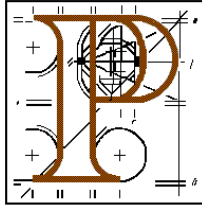


**An Bord Pleanála**



**Inspector's Report**

**Development:** Garage and Ancillary site Works at castle Grove, Castlekealy, Caragh, Co. Kildare

**Planning Application**

Planning Authority: Kildare County Council  
Planning Authority Reg. 15/414  
Applicant: John and Maire Byrne  
Type of Application: Permission  
Planning Authority Decision: Refuse Permission

**Planning Appeal**

Appellant(s): John and Marie Byrne  
Type of Appeal: First Party Vs Decision  
Observers: None

**Date of Site Inspection: 01/02/2016**

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The site is located in a rural area west of Sallins town in Co. Kildare. It is located along a rural road that is flanked with ribbon development along both sides of the road at Castlekelly. The subject site is 0.214Ha, and is located at the end of a long line of linear developments just prior to ninety degree bend in the road.
- 1.2 The site contains a red brick bungalow and ample mature landscaping and boundary treatment. There is another bungalow to the north of the site, and there is agricultural land to the south and west. There is a timber shed and a small galvanised shed on the site of the proposed shed.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development is for a 143sq.m. detached domestic garage to the side/ rear of an existing bungalow.

## **3.0 SUBMISSIONS RECEIVED**

There were no submissions received.

## **4.0 TECHNICAL REPORTS**

The planning report expresses concern for the necessity for such a large scale domestic garage which includes a first floor level. The applicant was requested additional information to clarify the use of the structure. The applicant has an interest in vintage cars, and he owns 1968 Jaguar and intends buying another vintage car. The shed will also store solid fuel. The first floor element is for car parts and domestic items. The planning authority went back for Clarification of Further information requesting the removal of the first floor element and to reduce the height of the building.

The scale of the structure was reduced and the height in line with the revised drawing submitted to the planning authority on the 14<sup>th</sup> of October 2015 to a maximum ridge height of 5metres, with a floor area of 98sq.m. A refusal was recommended due to the bulk, scale and location of the structure.

## **5.0 PLANNING AUTHORITY'S DECISION**

Kildare Co. Council refused the proposal for one reason:

The proposed garage by reason of its scale, bulk and location on a residential site would seriously injure the visual amenities of the rural area and depreciate the value of property in the vicinity, and would set an undesirable precedent for further similar type developments in rural and residential areas.

## **6.0 APPEAL GROUNDS**

The following is a summary of the appeal:

- The refusal is a denial of right to enjoy the incidental enjoyment of the applicants house, which is to store domestic items and solid fuel and to enjoy the applicant's hobby of vintage cars.
- The proposed building is not excessive in scale or bulk relative to the siting and location.
- Vintage cars require larger storage area than contemporary cars to provide safe working areas and to prevent accident damage.
- The existing small shed currently on the site provides limited storage of the turf used to heat the main dwelling on site.
- The first floor area was designed to provide safe storage for domestic items such as gardening instruments and car parts. The higher roof level is at 5.87metres, and the lower ridge height level is 5metres.
- The structure is to be located at the rear of the dwelling.
- The scale of the development is similar to sheds/ garages in the area, and photographs are appended to demonstrate this.
- There is a mature hedge along the site boundaries to screen the structure from the surrounding area.
- There will be no trade or business from the shed.
- The original building with two floors will not detract from the visual qualities of the area.

## **7.0 RESPONSES**

The planning authority has no further comment.

## **8.0 PLANNING HISTORY**

8.1 There is no relevant planning history.

## **9.0 DEVELOPMENT PLAN**

**Kildare County Development Plan 2011-2017**

## **10.0 ASSESSMENT**

10.1 The proposal is a domestic shed with a floor area of 143sq.m. located to the rear of an existing dwelling. It will replace two existing small sheds on the 0.214ha domestic site at Castlekelly, east of Sallins Co. Kildare. The planning authority refused the proposed development due to the scale, bulk

and location of the shed that it will seriously injure the visual amenities of the rural area.

- 10.2 The subject site is the end dwelling of a long line of linear one off houses on both sides of the rural road. In my opinion, the general vicinity of the site holds little or no visual amenities in terms of 'rural' landscape. Therefore I believe the planning authority has exaggerated the extent of the impact of the proposed structure on the visual amenities of the rural area. The area resembles an urban fringe with the level of the ribbon development along the short stretch of road.
- 10.3 The subject site has a high quality mature landscaping and hedgerows along its boundaries which are to be retained under the current proposal. There are two sheds currently positioned on the location of the subject shed, one is a metal turf storage shed, and the other is a timber garden shed. The existing structures are not visible from the surrounding road network of dwelling houses. Indeed as one drives along the road there are a multitude of examples of large domestic/ agricultural detached sheds and garages located within domestic curtilages and all within walking distance of the subject site. Around the ninety degree bend from the subject site, is a dwelling house with large galvanised sheds along the road side boundary. Therefore, I consider the planning authority has been inconsistent in its approach to the current proposal and it failed to have regard to the domestic sheds and structures on the domestic curtilages in the general vicinity of the site.
- 10.4 The subject domestic shed is to be used to store the applicant's vintage car(s) and to enable him to enjoy his hobby. The structure will also provide storage for the solid fuel (turf) heating their dwelling and garden equipment. In the context of the site, I consider the structure is of modest scale and does not detract from the dwelling or the immediate area. The height of 5metres and 5.8metres for the first floor level, is also modest, and the existing mature hedgerow exceeding 2metres in height will provide adequate screening and an appropriate backdrop at this location.

## **11.0 RECOMMENDATION**

I recommend the planning authority's decision to refuse be overturned by the Board

## **REASONS AND CONSIDERATIONS**

Having regard to the existing mature screening along the site boundaries and the detailed submissions on file that the storage shed is to be used solely for domestic purposes and that screening vegetation will be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities 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 proposed 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 and the development shall be retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The proposed domestic storage shed shall be used solely for domestic storage purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for habitable purposes or for the carrying out of any trade or business.  
  
(b) The proposed domestic storage shed shall not be separated or sub-divided from the site or property of the existing house, either by sale or letting or otherwise.

**Reason:** In the interest of residential amenity and to ensure that the development is in accordance with the permission, and that effective control is maintained.

3. The existing mature hedgerow along the site boundaries shall be maintained and renewed as necessary.

**Reason:** In the interest of visual amenity.

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**Caryn Coogan**

**Planning Inspector**

**24/02/2016**