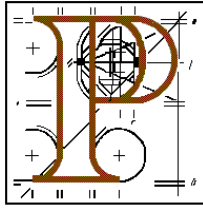


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## An Bord Pleanála



## Inspector's Report

**Development:** Garage for domestic use at Sluggary, Dooradoyle Road, Co. Limerick.

### Planning Application

Planning Authority : Limerick City and County Council

Planning Authority Register Reference : 15/763

Type of Planning Application : Retention Permission

Applicant : Denis Connaughton

Planning Authority Decision : Grant subject to conditions

### Planning Appeal

Appellant : Brendan Jordan

Type of Appeal : 3<sup>rd</sup> Party v. Grant

Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 14/02/16 & 16/02/16

Appendix - Photographs

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## 1. SITE LOCATION AND DESCRIPTION

The site in question is located along the Dooradoyle Road in an established residential area, approximately 4.0km southwest of Limerick city centre and 180m east of the M20 Motorway. The surrounding area is characterised by conventional housing development and predominantly comprises detached, two-storey dwelling houses based on a format of front and rear gardens with off-street parking. The subject site is generally rectangular in shape and adjoins a detached dormer bungalow to the northwest with the lands to the immediate northeast and southeast utilised as public open space associated with an adjacent housing estate. It is presently occupied by a relatively recently constructed detached two-storey dwelling house with a single storey annex to the side of same. Block walls and metal gates are erected to either side of the dwelling separating the front and rear gardens.

A garage structure has been constructed to the rear of the property and adjoins the shared boundary with the appellant's property which is delineated by a block wall backed with planting on the appellant's side.

## 2. PROPOSED DEVELOPMENT

The application was lodged with the planning authority (PA) on the **25/09/15** with further details provided by way of further information (FI) dated **25/11/15** following a request for same dated 18/11/15.

The proposal entails the retention of the garage structure for domestic use. The garage has a stated area of 30.6 sq.m. The external finishes consist of a mix of brick to the front elevation and render to the sides with a pitched roof of concrete tiles.

**Note:** An objection to the proposal received by the PA has been forwarded to the Board for its information. The issues raised are comparable to those cited in the grounds of appeal summarised in section 5 below.

## 3. TECHNICAL REPORTS

The **Mid West National Roads Design Office** has no observations.

The **1<sup>st</sup> Planning** report dated **18/11/15** recommends FI requiring photographs of the internal layout of the structure, a response to the objector's submission and clarification as to whether the structure is used for commercial purposes. The **2<sup>nd</sup>**

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**report** dated **01/12/15** following FI notes the domestic use of the garage and a retention of permission subject to 2 conditions is recommended.

#### **4. PLANNING AUTHORITY'S DECISION**

The PA decided to grant retention permission for the above described development subject to 2 conditions. Condition 2 requires the garage to be used for storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial purposes.

#### **5. GROUNDS OF APPEAL**

The grounds of appeal accompanied by photographs can be summarised as follows:

- The position of the garage adjacent to the shared boundary with the appellant's property has an adverse impact on their privacy.
- The garage has a negative impact on light to their property. The need for plant screening along the shared boundary to counteract the loss of privacy will only contribute to same.
- It is contended that the garage is used for commercial purposes with resultant levels of activity and noise which have a negative impact on their residential amenities.
- The location of the garage is a result of the layout of the applicant's dwelling which is not considered to be in the correct location.
- The appellant is willing to compromise should the doors be removed from the front and the length of the garage reduced.

#### **6. APPLICANT'S RESPONSE TO GROUNDS OF APPEAL**

The response by Parick J. McCarthy & Assoc. on behalf of the applicant which is accompanied by photographs, can be summarised as follows:

- The garage is used for domestic purposes only. Work materials associated with the applicant's business are stored in an industrial yard in Raheen.
- Any light blocked by the garage would be blocked by the trees planted along the boundary. They are comparable in height and run the full length of the garage.
- The applicant is willing to plant trees along the boundary which, with the appellant's planting, will close off views.

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## **7. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION**

The PA has no further observations.

## **8. OBSERVATIONS**

None

## **9. RELEVANT PLANNING HISTORY**

**91.RL3300** – referral to the Board as to whether the domestic garage with boiler house was exempted development or not. It was decided, having regard to the relevant legislative provisions and to the total area exceeding 25 sq.m. and height exceeding 4 metres, that it is development and is not exempted development.

## **10. DEVELOPMENT PLAN PROVISIONS**

The Southern Environs Local Area Plan 2011 refers. In same the site is within an area zoned Existing Residential. The purpose of this zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas.

### **Objective ZD 1 Established Residential**

It is the objective of the Council to:

a) Promote development that supports the predominant land use in the surrounding area.

## **11. ISSUES AND ASSESSMENT**

Consequent to the referral to the Board under reference RL3300 on foot of which it was determined that the garage as constructed constitutes development and is not exempted development the applicant is now seeking permission to retain same.

The stated floor area of the structure is 30.60 sq.m. with a ridge height of 4.1 metres. The garage is positioned to the rear and side of the dwelling on the site and is set back approx. 1 metre from the shared boundary with the appellant's property which is delineated by a plastered wall in the region of 1.6 metres high.

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By reason of its position the garage is to the south-east of the appellant's property. The appellant's dwelling is set back approx. 4.5 metres from the shared boundary with a window serving the kitchen and door in its south-western elevation facing onto the site. The appellant has planted a hedge along the boundary which provides for a level of screening.

Of material concern to the appellant is the use of the garage which he contends is for commercial purposes. The agent for the applicant refutes same. No commercial activity was evidenced on the site on either of my site inspections although I did not gain access to the garage. In this regard I note that the application before the Board is for the retention of the garage for domestic use, only, and as such any other use of the structure would require a further planning application.

There are no windows in the elevation of the garage fronting onto the shared boundary save for a door to what appears to be the boiler room. Double doors facilitating access are available from the front (south-western) elevation with a further door and a window in the elevation that faces into the applicant's rear garden.

I consider that the level of screening along the shared boundary will improve the level of privacy as it matures and whilst the appellant is concerned regarding loss of light to habitable rooms in his property, notably the kitchen, I submit that any issues arising would be more attributable to the boundary wall and existing planting rather than the garage structure.

I note the appellant's contention regarding issues of compliance with regard to the dwelling on the site but this does not form part of the application and is not before the Board for comment. I recommend that a condition stating this fact be attached should retention permission be granted.

In conclusion I submit that in such a suburban context the size and height of the structure to be retained to be acceptable with the external finishes complementing those of the main dwelling. Whilst I note the appellant's concerns as detailed above it is my opinion that if permission had been sought for the garage in the first instance, the proposal would have been considered acceptable subject to controls on its use.

#### *AA –Screening*

Having regard to the nature and scale of the development proposed within the suburb of Dooradoyle in Limerick City no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **12. CONCLUSIONS AND RECOMMENDATION**

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Having regard to the foregoing I recommend that permission to retain the above described development subject to the following reasons and considerations, subject to conditions.

### **REASONS AND CONSIDERATIONS**

Having regard to the size and height of the garage to be retained, its location within the site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the garage to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would therefore be accordance with the proper planning and sustainable development of the area.

### **CONDITION**

1. The development to which this permission for retention refers is as detailed on the plans and details accompanying the application, only, and does not refer to any other structure or works on the overall site.

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

2. The garage to be retained shall be used as a private domestic garage solely for purposes incidental to the enjoyment of the dwellinghouse, and shall not be used for commercial, trade or industrial purposes or for human habitation.

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

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**Pauline Fitzpatrick**  
**Inspectorate**

**April, 2016**