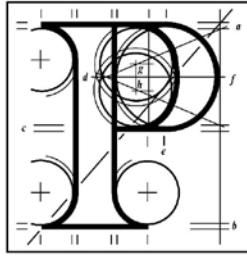


# An Bord Pleanála



## Inspector's Report

**Development:** Retention of a domestic garage and storage sheds at Ballyclery,  
Kinvara, Co. Galway.

### Application

Planning authority: Galway County Council  
Planning application reg. no. 15/438  
Applicant: S. Linnane  
Type of application: Retention permission  
Planning authority's decision: Refusal

### Appeal

Appellant: S. Linnane  
Type of appeal: First party -v- Decision  
Observers: None  
Date of site inspection: 28<sup>th</sup> April 2016

**Inspector:** Hugh D. Morrison

## Site

The site is located 2.9 km to the north north east of Kinvarra in an area of open countryside through which runs the N67. This site lies 18m along an unclassified lane that is accessed off this national secondary road. It is accessed off this lane and it is on land that is elevated above the level of the said road.

The site itself is of irregular shape and it extends over an area of 0.22 hectares. This site accommodates a centrally placed bungalow, which is orientated on an east/west axis. It also accommodates a number of freestanding buildings, i.e. one denoted as a storage shed (64 sq m) to the north of the bungalow, another denoted as a storage shed (8.4 sq m) to the north west, and a further one denoted as a domestic garage (67.5 sq m) with an attached dog run to the west. The site is accessed via a driveway from the north east, which connects with an extensive area of hard surfacing to the front northern side and rear of the bungalow. The remainder of the site to the south and further to the east is laid out as a garden.

## Proposal

The proposal is to retain the aforementioned storage sheds and domestic garage. Their total floorspace extends over an area of 139.9 sq m.

## Planning authority's decision

Following the receipt of further information, the planning authority refused the proposal for the following reason:

*Notwithstanding submissions to date, it is considered that the garage and sheds seeking retention are excessive in size, and inappropriate in design for a domestic garage and sheds at this rural location, and if permitted, would set an undesirable precedent in the area, would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and development of the area.*

## Technical reports

NRA: Defers to the planning authority.

## Grounds of appeal

The CDP does not provide accurate guidelines on the permitted sizes for domestic garages and sheds for people who are involved in agriculture in rural areas and yet do not have a land holding adjacent to their family home.

The planning authority has failed to take into account the following circumstances that lie behind the proposal:

- The applicant assists with the family farm that is located 9 km away. (If he resided there then he would be able to build under agricultural exempted

development). The family has rented land adjacent to this farm for the keeping of horses. (Copies of horse passports have been submitted). Under cover storage space is thus needed for equipment and feed. The family also need such space for their pet dogs.

- The family has a large motor caravan that needs to be kept under cover during the winter.
- The family is a growing one and so they need under cover storage space for children's toys, fuel, tools, etc.
- The site is located in open rural countryside wherein farming is the main activity. Farm sheds are thus common and so the domestic garage and sheds are not out of keeping. This site is not exposed and so visual amenity is not harmed.

### **Response**

The planning authority has not responded to the above grounds of appeal.

### **Planning history**

- 99/4442: To build dwelling house and septic tank: Permitted without any curtailment of residential exemption development.
- EN 14/148: Unauthorised construction of domestic garages/storage units: Warning letter served.

### **Development Plan**

The Galway County Development Plan 2015 – 21 (CDP) shows the site as lying within a rural area under strong urban pressure, which coincides with the extent of the Galway Transportation and Planning Study (GTPS). This Plan also shows the site as lying within the East Galway Bay landscape character area and in a portion of this area that has a high landscape value rating and which is classified as being of medium/high landscape sensitivity. Landscape Conservation and Management Objective 2 (LCM 2) states that:

*Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.*

## Assessment

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Use,
- (ii) Visual amenity, and
- (iii) AA.

### (i) Use

1.1 The site is authorised for residential use under permitted application reg. no. 99/4442 for the construction of the bungalow that is insitu. The permission thus granted was not subject to any condition that curtailed the opportunity for residential exemption development to be undertaken in the future. However, the individual floorspace of one of the buildings denoted as a storage shed and of the building denoted as a domestic garage exceeds the exempted development limit of 25 sq m and the aggregate floorspace of all three buildings exceeds this limit, too. Accordingly, the need for retention permission arises.

1.2 During my site visit, I inspected each of the said buildings. The two denoted as storage sheds on the submitted plans lie to the north and north west of the bungalow and they variously have a floorspace of 64 sq m and 8.4 sq m.

- The former building has a steel framework structure and it is clad in bottle green corrugated steel sheeting. It is 7.35m wide and 9.2m deep and it has a shallow double pitched roof with eaves and ridge heights of 3.1m and 3.65m. This building has a pair of roller doors within its front elevation that afford vehicular entrance and a single pedestrian door in the southern side elevation. While there are no windows in the building, expanses of Perspex sheeting admit light through the roof.
- The latter is a conventional timber framed and clad garden shed with a door in the front elevation and a single window in one of the side elevations.

1.3 During my site visit, I observed that the former building was being used to garage a campervan. I also observed that along one side of this building lengths of steel were being stored and along the inside of the rear elevation there was a work bench with a wide array of tools. Elsewhere within the building there were a number of items of machinery along with an insitu ventilation system. In the light of these observations, I take the view that this building is in use for purposes that extend beyond those that would be consistent with simply domestic storage. Rather they are consistent with that of a workshop.

1.4 I observed that the latter building was fitted out with shelves on which were stored garden tools. Filled plastic sacks were also being stored in the floor of this building. Such storage is consistent with the use of the building as a domestic storage space.

1.5 Turning to the building denoted as a domestic garage on the submitted plans, this building comprises two sections: a more substantial rear section that is finished in nap plaster on its yard side elevations under a tiled roof (the remaining elevations are clad in corrugated bottle green steel sheeting) and a projecting front section with a steel framed structure and corrugated bottle green steel cladding.

- The former section has a diagonally aligned rear elevation and so its maximum width is 7.45m and its depth varies between 3m and 8.27m. The eaves and ridge heights are 2.5m and 3.9m, respectfully. This section has plastic framed glazed doors and windows and internally the floors and portions of the walls are tiled.
- The latter section has a width and depth of 4.35m and 7.4m and eaves and ridge heights of 2.3m and 2.65m. This section has a single external door to the adjoining dog run and an internal door that connects to the rear section of the building. It has no windows but expanses of Perspex sheeting admit light through the roof.

1.6 The description of the aforementioned building as a domestic garage is mystifying as it has not been designed to accommodate vehicles nor is it capable of doing so. During my site visit, I noted the high specification of finish to the rear section and I observed that, while one of the two rooms was being used for the storage of domestic items such as bicycles and children's toys, this specification was in excess of that which would be required for such storage. There was also a shower unit over a metallic sink in one of these rooms. I also observed that, while the rear portion of the front section was being used to store fodder as set out in the applicant's grounds of appeal, the front section was laid out in a series of stalls within which two dogs were being accommodated. The presence of these stalls and the adjoining dog run had the appearance of kennels.

1.7 In the light of the foregoing observations and descriptions of the buildings proposed for retention, I am unable to conclude that the two more substantial buildings are self-evidently in use purely for the purpose of domestic storage on a basis ancillary to the occupation of the bungalow as a dwelling. Accordingly, I am not persuaded that the description of the proposal as "retention of domestic garage and storage sheds" conveys the full extent of their usage. In these circumstances, it would be premature to accede to their retention.

## **(ii) Visual amenity**

- 2.1 The CDP shows the site as lying within a rural area that is under strong urban pressure. It also shows the site as lying within the East Galway Bay landscape character area and in a portion of this area that has a high landscape value rating and which is classified as being of medium/high landscape sensitivity. Under Objective LCM 2 of this Plan, the design and the choice of location of development in the landscape are said to be critical considerations.
- 2.2 The bungalow on the site has a footprint of c. 169 sq m. The aggregate floorspace of the subject buildings is 139.9 sq m or c. 83% of the said footprint. Likewise the eaves height of the building to the north of the bungalow is similar to the eaves height of this bungalow and the eaves and ridge heights of the rear section of the building to the west are similar to these equivalent bungalow heights.
- 2.3 In the light of the foregoing paragraph, the planning authority's critique of the proposal, to the effect that in aggregate the buildings are of excessive area for domestic outbuildings, is persuasive, as is their related concern that the retention of these buildings would set an undesirable precedent for other residential sites in the countryside.
- 2.4 Visually, the subject buildings are sited to the northern side and rear of the bungalow. From the N57 to the east, the front elevations of the bungalow and the building to the north are fleetingly visible on the local skyline. From the unclassified lane that winds to the north of the site, the more substantial of the buildings are visible with the bungalow in the background. Again, the profile of these buildings is present on the local skyline.
- 2.5 In the absence of the subject buildings the bungalow on the site would be skyline development. The presence of these buildings thus adds to the bulk and spread of development on the skyline. Given that they have been inadequately accounted for as domestic outbuildings, their visual impact is excessive within their sensitive and important landscape setting.
- 2.6 I conclude that the subject buildings add to the skyline development already presented by the bungalow on the site and that, as buildings which are overly large for their stated use as domestic storage, their visual impact is excessive and so seriously injurious to the visual amenities of the area.

## **(iii) AA**

- 3.1 The site does not lie within a Natura 2000 site. However, it does lie some 0.8 km from the coastline and that portion of Galway Bay which is designated the Galway Bay Complex SAC (IE000268). Following a request for further information the applicant submitted a Stage 1 screening report for the purpose of

establishing whether the proposal should be the subject of Appropriate Assessment. This report concludes that a Stage 2 Appropriate Assessment is not necessary.

3.2 I am aware that the aforementioned report was undertaken on the basis that the subject buildings are simply in use for domestic storage and that I have been unable to confirm that this is indeed so. The submitted application forms state that the site is served by the public water mains and the submitted plans show the on-site foul and surface water drainage arrangements, with the former discharging to soakaways and the latter discharging to a percolation area via a septic tank.

3.3 In the absence of a fuller account of the usage of the subject buildings, I am unable to assess the suitability or otherwise of, in particular, the on-site drainage arrangements and thus whether or not the full use of the site would have a significant effect on the aforementioned Natura 2000 site.

### **Recommendation**

In the light of my assessment, I recommend that the proposed retention of a domestic garage and storage sheds at Ballyclery, Kinvara, Co. Galway, be refused.

### **Reasons and considerations**

Under the Galway County Development Plan 2015 – 2021, the site lies within a portion of the East Galway Bay landscape character area that has a high landscape value rating and which is classified as being of medium/high landscape sensitivity. Under Objective LCM 2 of this Plan, the design and the choice of location of development in this landscape are critical considerations.

As submitted, the subject buildings are said to be in use for domestic storage. However, their aggregate size and the high standard of finish of the building in the western corner of the site are such that their size and design is excessive for this stated use. When viewed from nearby public vantage points, their presence on the local skyline adds appreciably to the bulk and spread of the profile of the permitted bungalow on the site.

Consequently, the subject buildings are seriously injurious to the visual amenities of the area and as such their retention as proposed would contravene the aforementioned Objective LCM 2 and risk the establishment of an adverse precedent for other similar buildings within residential sites elsewhere in the surrounding rural area. Thus, the proposed retention of the subject buildings would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison

Inspector

5<sup>th</sup> May 2016