

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.246211

Development: Retention of dormer window and domestic garage as constructed.

Location: Tomard, Millford, Co. Carlow.

Planning Application

Planning Authority: Carlow County Council

Planning Authority Reg. Ref.: 15/359

Applicant: John Joe Heffernan

Planning Authority Decision: Grant permission

Planning Appeal

Appellant: Tony Heffernan

Type of Appeal: Third party

Date of Site Inspection: 25/5/16

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The site is located in the townland of Tomard, Millford, Co. Carlow a rural area situated 4km to the north of Leighlinbridge and 9km to the south-west of Carlow town. The subject property is situated within a row of 4 no. dwellings on the southern side of the local road. There a number of other properties to the east of the site on the opposite side of the road.
- 1.0.2 The site has an area of 0.305 hectares. It has frontage of 25m and extends back for over 135m. The site contains a detached dormer dwelling with a ridge height of 7.29m. The dwelling features 3 no. dormer windows to the front elevation in the main roof section. The subject dormer window is to the western side of the chimney and the other dormer windows. This section of the dwelling is a later addition. The ridge height is 500mm lower than the main ridge height and the building line is set back 500mm from the main front building line.
- 1.0.3 The subject domestic garage is located to the rear of the dwelling. It has a floor area of 113.4sq m and a ridge height of 7.2m. The front elevation of the garage features a roller door and window at first floor and there is a door and two ground floor windows in the western side elevation.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the retention of a dormer window as constructed to the front of the house and retention of a domestic garage as constructed and ancillary works and services.

3.0 PLANNING HISTORY

Reg. Ref. 05/753 – Permission was granted for bedroom and conservatory extension to house and domestic garage.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Internal Reports:

Transportation: No objections.

Environmental Services: No objections.

CFO: No objections subject to conditions.

External Reports:

Irish Water: No objections subject to conditions.

Submissions

The Planning Authority received seven submissions in relation to the planning application. The issues raised are similar to those set out in the appeal.

4.2 Planning Authority Decision

The Planning Authority granted permission subject to 9 no. conditions.

5.0 GROUNDS OF APPEAL

A third party appeal was submitted by Tony Heffernan on the 24th of February 2016. The content of the appeal submission can be summarised as follows;

- The appellant raises the issue of the use of the attic space as a habitable room. It is stated that a dormer window would not be necessary to serve a storage room.
- The appellant notes that the Planning Authority attached a condition 1(b) which states *“The 1st floor attic space shall be used strictly for domestic storage only and not for habitable purposes”*. The appellant is of the opinion that the condition would be difficult to enforce.
- The matter of the retention of the dormer window is also raised. The appellant has concerns that the proposed window could negatively impact upon his residential amenity by reason of overlooking.
- Regarding the garage it is proposed to retain, the appellant notes that the planner carried out an inspection of the building and observed that it was in use for domestic storage purposes. The planner also observed that the first floor of the garage was not floored.
- The appellant has raised concern that overlooking would occur from the north facing first floor window of the garage to his property.

- The appellant requests that the Board overturn the decision of the Planning Authority and refuse permission.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 First Party response

- None received

6.2 Planning Authority response

- None received

7.0 POLICY CONTEXT

The Carlow County Development Plan 2015 - 2021 is the operative County Development Plan for the area.

- Section 2.7.3 refers to Design Siting Requirements
- Section 2.7.12 refers to Rural House Design Guidance

8.0 ASSESSMENT

8.1.1 The development it is proposed to retain is a dormer window to the front elevation of the detached dormer dwelling and garage located in the rear garden of the subject site.

8.1.2 The dormer window is located to the western side of the front elevation of the dwelling. There are 3 no. dormer windows to the front elevation in the main roof section and two chimneys also to the front elevation. The subject dormer is identical to the other dormers and therefore it integrates well with the design character of the dwelling.

8.1.3 In relation to the matter of overlooking raised in the appeal the subject dormer is north facing and the dwelling is set back over 24m from the roadside boundary. The neighbouring property to the west is the closest property to the proposed window. The neighbouring dwelling is situated over 24m from

the proposed window and I note that there is a garage/shed immediately to the west of the party boundary between the properties. Therefore, I am satisfied that the subject dormer window would not cause any undue overlooking of the closest neighbouring dwelling.

- 8.1.4 Regarding potential overlooking of properties across the road and to the north of the appeal site, I note that there are no dwellings located directly opposite the front of the dwelling. The closest residential property on the opposite side of the local road is situated over 65m to the north-east. Having regard to the siting and design of the subject dormer window and the relative separation distance to the closest residential property on the opposite side of the road, I am satisfied that the proposed dormer window would not cause any overlooking to the appellant's property.
- 8.1.5 The appellant also raised the issue of the use of the attic space as a habitable room. The first floor plan as indicated on Drawing No. 01-JJH-15 shows the floor area at the western end of the first floor in use as a storage room. The subject dormer provides the only lighting of this storage room and therefore it is necessary. Accordingly, I consider the dormer window proposed for retention is acceptable.
- 8.1.6 The garage it is proposed to retain is situated 12m to the rear of the dwelling. It has a ridge height of 7.2m and rendered finish which matches the dwelling. On inspection of the site I noted that the garage contained numerous items including bicycles, lawn mower, garden tools, toys and a drum kit. All the various items currently stored in the shed are typical of what might be found in residential garage. Accordingly, I am satisfied that the garage is being used for residential storage purposes ancillary to the main dwelling. If the Board is disposed towards a grant of permission, I recommend that a condition be attached limiting the use of the garage to uses solely for purposes incidental to the enjoyment of the main residence.
- 8.1.7 On inspection, I also noted that there was no flooring laid in the attic space of the garage. There is a first floor window to the front elevation of the garage, having regard to the siting and design of the garage relative to the surrounding residential properties, I am satisfied that it would not cause any undue overlooking.

Appropriate Assessment

- 8.1.8 Having regard to the nature of the proposal the retention of a dormer window and domestic garage and the nature of the receiving environment, namely a suburban and fully serviced location, I am satisfied that 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.

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.0.1 I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be granted for this development for the reasons and considerations set out below and subject to the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to planning history of the site, the pattern of development in the area and the design and location of the dormer window and the garage proposed to be retained and their locations relative to the other properties, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual amenities of the area or the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and completed 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. 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.

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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Siobhan Carroll,
Inspectorate
31st of May 2016