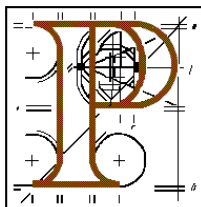


An Bord Pleanála



Inspectors Report

Development: Retention of dog grooming business and retention of extension of garage for use as a cattery, at Kilrush Road, Ennis, Co. Clare .

Planning Application

Planning Authority: Clare County Council
Planning Authority Reg. Ref. P15/726
Applicant: Aimee O'Shaughnessy
Type of Application: Retention Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Geraldine Byrne

Observers: None

Type of Appeal: Third Party

Date of Site Inspection: 16/05/2016

Inspector: Gillian Kane

1.0.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The subject site is located on the eastern side of Kilrush Road, a part residential, part industrial / commercial road leading south-west out of the town of Ennis.
- 1.0.2 Currently on the subject site is a single storey detached bungalow on an elevated plot. A sloping driveway to the south of the site leads to a surfaced yard with two sheds abutting the eastern and southern boundaries. On the date of my site inspection the shed along the southern boundary, housed a number of cats. This flat roofed cattery shed is rectangular with three windows and a single door on the northern elevation and a full length double door on the eastern elevation. A drainpipe leading from the roof gully drained into a large tank to the east. The shed is built entirely within the confines of the site and no overhang of the adjoining property to the south was visible. The shed along the eastern boundary of the shed comprises two rooms.
- 1.0.3 The site is bound to the north, east and south by residential properties. To the west of the site, across the Kilrush Road a large warehouse complex serves a number of uses including a gym, car sales, auto trade shop and other uses.
- 1.0.4 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

2.0.0 PROPOSED DEVELOPMENT

- 2.0.1 Permission was sought for the retention of a dog grooming parlour and an extension to the garage to provide a cattery. Details provided with the application state that cleaning products will be used, pet hair will be stored on site and disposed of by a licenced waste contractor. Hours of operation are 09.00-17.00 Monday to Friday and 09.00 to 12.30 on Saturday. No parking is to be provided as clients arrive on foot by appointment. The application was accompanied by four letters of support.
- 2.0.2 One objection to the proposed development was submitted to the Council.

2.1.0 Reports on File following submission of application

- 2.1.1 **Planning Report:** Small scale facility can be accommodated within the subject site. Cattery is indicated as being for personal use only but website advises of commercial use. Dog grooming structure

has not been outlined in red. No signage indicating availability of car parking. Further information should be requested

2.2.0 Further information request

2.2.1 The applicant was requested to address the following issues:

1. Consider reduction of roof to address impact on amenities.
Details of rainwater disposal required.
2. Clarify nature and extent of business
3. Details of car parking
4. Proposals for waste

2.3.0 Reports on file following submission of FI

2.3.1 **Planning Report:** Satisfied that proposed development does not have an overbearing impact on neighbouring property. Condition that no animals kept overnight on a commercial basis recommended. Recommendation to grant.

3.0.0 PLANNING AUTHORITY DECISION

3.0.1 By order dated 08/02/16 a notification of decision to **GRANT** permission subject to 6 no. conditions. Condition no. 2 stipulated that no animals shall be kept overnight on a commercial basis.

4.0.0 PLANNING HISTORY

4.0.1 No history of relevance.

5.0.0 LOCAL POLICY

5.1.0 Ennis and Environs Development Plan 2008-2014

5.1.1 As per the Notice of Clare County Council dated 18/09/2013, in accordance with the requirements of Section 11A(3)(b) of the 2000 Planning and Development Act (as amended by the Electoral, Local Government and Planning and Development Act 2013) both Ennis Town Council and Clare County Council decided, pursuant to the provisions of Section 11A(2) of the Act not to continue to review the Ennis and Environs Development Plan 2008 - 2014 and not to prepare a Draft Ennis and Environs Development Plan 2014 - 2020. The Electoral, Local Government and Planning and Development Act 2013 provides in this case that the existing Ennis and Environs Development Plan 2008 - 2014 (as varied) will continue to remain in force to the extent provided for by that plan.

5.1.2 The subject site is zoned 'Other Settlement Land' in the development plan. Table 9 of the plan states that it is the policy of the Council to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development that is appropriate to the sustainable growth of the settlement. Within such zones, home based economic activities and boarding kennels are open of consideration uses.

6.0.0 GROUNDS OF APPEAL

6.0.1 A third party appeal has been lodged by the daughter of the adjoining neighbour of the applicant. The Board is requested to refuse permission. The grounds of the First party appeal can be summarised as follows:

- The site notice was not maintained for five weeks.
- Part of the development has been built on the boundary wall and the flat roof overhangs the appellants fathers property to the south.
- The rainwater pipe on the flat roof discharges to the ground and this could undermine the structural integrity of the foundations of the boundary wall. The pipe should discharge to the public drainage system.
- The proposed development will devalue the appellant's fathers property. He is entitled to the quiet enjoyment of his home and back garden. He is concerned about animal noise generated by the proposed development.

7.0.0 RESPONSES

7.1.0 Planning Authority Response

7.1.1 The Planning Authority responded to the appeal stating that having regard to the limited scale of the development, the nature of development in the area, which comprises both residential and commercial, and that animals are not kept on the premises overnight, the development to be retained is in accordance with the proper planning and sustainable development of the area and will not be detrimental to the residential amenities of the area. The Board is requested to grant permission.

7.2.0 Response of First Party

7.2.1 The First party response can be summarised as follows:

- The site comprises two sheds within the curtilage of a domestic dwelling. The wider area has a wide range of mixed uses.

- The shed on the southern boundary is used to keep the applicants pedigree cats. A small lean-to shed was demolished and a small scale extension to the shed was constructed. The second shed is used for storage and as a dog grooming parlour. No alterations to the sheds are proposed.
- The proposed development complies with the zoning objective of the Ennis development plan. The conditions attached by the Council will ensure all residential amenities are protected.
- The site notice was in place for the required time and this was confirmed by the Council.
- The extension to the existing shed is constructed within the applicants property and does not overhang the boundary wall. This was noted by the Council planner in their report. Plans and elevations submitted with the application show the existing shed and the extension within the subject site. Photo submitted.
- The subject development has improved the previous situation whereby rainwater ran off the flat roofed garage into the appellants fathers property. Rainwater now discharges to an IVC tank where it is used for domestic purposes. The rainwater pipe does not overhang the adjoining property.
- No evidence of devaluation of the adjoining property has been submitted. The small scale of the proposed extension will not have a significantly detrimental impact on the appellants fathers property. Property values are not a material planning consideration.
- No noise emanates from the business which has been operating for 8 no. years. The proposed development is not an intensification of the business and is supported by other neighbours. The business is small scale and on a part time basis.
- The dog grooming operation takes place in one room of the shed where only one dog can be accommodated at any time. Approx. three dogs per day are groomed. All bookings are by appointment. Only one dog is in the parlour at any one time and therefore noise is no more than domestic pets. Dogs are not kept overnight.
- The dog grooming shed is removed from the appellants fathers property and does not affect the amenity or privacy of that property.
- The hours of operation imposed by the Council are such that there will be no detrimental impact on the amenity of the appellants fathers home.

- The cats housed in the cattery are domestic pets. There is no commercial element to this activity. The cats previously lived in the house and were moved out for their safety and the health of the residents. The extension to the cattery is to provide a communal play area for the cats.
- The appellant and her father have been customers of the business and are aware of the business.
- The proposed development within existing sheds will not have adverse impacts on the visual amenity of the appellants property.
- As per the letter submitted with the application. Car parking is available on the site across the road. 3 car parking spaces will be provided on site. Many customers arrive on foot.
- The existing business generates on average 2-6 round trips per day. This is not a significant increase.
- The Board is requested to grant permission.

8.0.0 OBSERVATIONS

8.1.0 None on file

9.0.0 ASSESSMENT

9.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the Proposed Development
- Impact on adjoining properties
- Appropriate Assessment

9.1.0 Principle of the Proposed Development

9.1.1 Permission is sought to retain the use of an existing shed as a dog grooming parlour and retention of an extension to an existing private cattery of approx. 5sq.m. I am satisfied that subject to compliance with other policies and objectives of the development plan, the proposed development is acceptable in principle.

9.1.2 The cattery shed is built entirely within the confines of the subject site as can be seen on the submitted plans and drawings and as verified by me on the date of my site inspection. Neither the shed roof nor the drain pipes overhang the adjoining site to the south. The drain pipe discharges to a large storage tank, within the subject site. I am satisfied that there is no overhanging, oversailing or issues or encroachment.

9.1.3 There are a number of sheds in the adjoining properties. The subject sheds to be retained are not readily visible from the surrounding areas. There are no indications in terms of visual, noise or otherwise, that a business is operating from one of the sheds on the subject site. I am satisfied that the proposed development to be retained would not injure the residential or visual amenities of adjoining properties.

9.1.4 The use of the smaller shed as dog grooming parlour may generate noise over and above that of normal domestic pets. The subject site is located within a wider mixed use area where noise levels are typical of mixed use residential, industrial / commercial developments. I am satisfied that the noise generated by the subject development would not be sufficient to significantly or adversely affect the residential amenity of adjoining properties.

9.2.0 Appropriate Assessment

9.2.1 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

10.0.0 RECOMMENDATION

10.0.1 I have read the submissions on file, visited the site, and have had due regard to the provisions of the Ennis and Environs Development Plan 2008 -2014. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan, would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

REASONS AND CONSIDERATIONS

Having regard to the zoning objectives for the area and pattern of development in area, 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 or property in the vicinity and would be acceptable in terms of traffic safety, public

health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11th day of January 2016, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected within the site, without a prior grant of planning permission.

Reason: In the interest of the protection of amenities of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a dog grooming parlour with no overnight accommodation and a private cattery for domestic use only (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity

- 4 The dog grooming parlour shall only operate between 09.00 hours and 17.00 hours on Mondays to Saturday inclusive

Reason: In the interest of residential amenity.

- 5 Water supply and drainage arrangements, including the attenuation and 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.

Gillian Kane
Planning Inspector
20/05/16