



An
Bord
Pleanála

Inspector's Report

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| Development | Retention of alterations to detached domestic garage, previously granted under Planning Reference 01/2757 at Griston East, Ballylanders, Co. Limerick |
| Planning Authority | Limerick City and County Council |
| Planning Authority Reg. Ref. | 16/228 |
| Applicant(s) | Brian Condon |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Appellant(s) | Brian Condon |
| Observer(s) | None |
| Date of Site Inspection | 30 th August 2016 |
| Inspector | Mary Crowley |

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site with a stated area of 0.656 ha is located in rural east Limerick, south west of the village of Ballylanders. The area is characterised as rural with several established residential units located across the road to the north west and a more recently constructed house located immediately across the road to the north. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I also refer the Board to the photographs of the appeal site available to view with the appeal submission.

2.0 PROPOSED DEVELOPMENT

- 2.1 This is an application for permission the retention of alterations to the detached garage (307.4 sq.m) previously granted under planning reference Reg Ref 01/2757. The alterations comprise the following:
- a) the insertion of 6 new dormer windows, 4 to the west (front elevation) and 2 to the east (rear elevation)
 - b) the extension of the length of the garage and
 - c) the insertion of high level gable windows and the insertion of glazed sliding garage doors (x 2)

The stated gross floor space to be retained is 64 sq.m.

3.0 TECHNICAL REPORTS

- 3.1 The **Environment Section** requested a walkover survey of the site to establish the location of the septic tank and percolation area / soakaway together with a site assessment.
- 3.2 The **Case Planner** stated that the *Planning Authority do not permit self-contained habitable structures within the curtilage of an existing dwelling* and that *the development constitutes "overdevelopment" and is not a granny flat for a dependent relative*. Accordingly the Planner recommended that permission be **refused** for one reason. The notification of decision to refuse planning permission issued by Limerick City and County Council reflects the recommendation of the Planner.

4.0 OBSERVATIONS / OBJECTIONS TO LIMERICK CITY AND COUNTY COUNCIL

- 4.1 There are no observations / objections recorded on the planning file.

5.0 PLANNING AUTHORITY DECISION

- 5.1 Limerick City and County Council issued notification of decision to **refuse** planning permission for the following reason:

The garage as constructed by reason of its design, massing and scale would be considered at variance with ancillary structures to residential houses and to the general character of the area and as such would constitute overdevelopment of the site. This will set an unwelcome precedent and would be contrary to the proper planning and sustainable development of the area.

6.0 PLANNING HISTORY

- 6.1 There was a previous planning application on this site relevant to this appeal that may be summarised as follows:

Reg Ref 01/2757 – Limerick City and County Council granted permission in 2002 for the construction of extension to side of existing house and garage subject to 3 No Conditions. Condition No 3 stated that *the garage shall only be used for storage purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial purposes.*

7.0 THE DEVELOPMENT PLAN

- 7.1 The operative plan for the area is the **Limerick County Development Plan 2010-2016**.

8.0 GROUNDS OF APPEAL

- 8.1 The first party appeal has been prepared and submitted by HRA Planning against the decision to refuse planning permission. The main points of the appeal may be summarised as follows:
- 8.2 It is the applicant's intention to use the structure as a garage and contrary to the planning authority assessment the structure will not be used as a residential unit(s).
- 8.3 Although the extent of the building, as constructed, is somewhat larger than the permitted structure, it is considered that the area of the site, the design and sale of the existing house and the juxtaposition of the structure relative to the public road and the house all combine to ensure that the proposed development satisfactorily assimilates to the site and its local context.
- 8.4 The design, mass and scale of the development is not significantly different to that which was originally permitted by the planning authority under Reg Ref 01/2757 save for the construction of dormer windows.
- 8.5 The proposed development cannot be seen from the public road having regard to its position on site perpendicular to the road and the existence of natural landscaping and boundary treatment

- 8.6 The development is consistent with the proper planning and sustainable development of the area.

9.0 RESPONSE OF THE PLANNING AUTHORITY

- 9.1 Limerick City and County Council state that they *have no further observations to make on the matter.*

10.0 OBSERVATION

- 10.1 There are no observations recorded on the appeal file.

11.0 ASSESSMENT

- 11.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key issues relating to the assessment of the appeal are:

- Principle
- Design
- Screening for Appropriate Assessment
- Other Issues

12.0 PRINCIPLE

- 12.1 This is an application for the retention of alterations to detached domestic garage, previously granted under Planning Reference 01/2757 at Griston East, Ballylanders, Co. Limerick. Limerick City and County Council issued notification of decision to refuse permission for the following reason:

The garage as constructed by reason of its design, massing and scale would be considered at variance with ancillary structures to residential houses and to the general character of the area and as such would constitute overdevelopment of the site. This will set an unwelcome precedent and would be contrary to the proper planning and sustainable development of the area.

- 12.2 The proposed use of a garage at this location has already been established on the site by reason of planning permission Reg Ref 01/2757. Overall I agree with the applicant that the site with a stated area of 0.656 ha is ample to accommodate the existing dwelling house and garage to be retained and that despite the scale of the garage that its juxtaposition relative to the main house ensures that the house remains the dominant structure on site. Accordingly I am satisfied with the principle of the retention of this larger garage is acceptable in principle.

13.0 DESIGN

- 13.1 According to the planning application the garage permitted under Reg Ref 01/2757 had a floor area of 120 sq.m, a height of c 6m, length of 15.6m and a depth of 8.6m. No velux style or dormer windows were indicated on the plans submitted with the planning application and the two garage doors proposed appear to be opaque roller / up and over doors. According to the appeal the site was granted planning permission in 2002 for a garage *with a floor area of just over 240 square metres and a ridge height in excess of 6m*. Although the plans for the garage did not detail a first floor level, the ground floor plans did show an internal staircase to a first floor.
- 13.2 The scheme before the Board to be retained has a stated floor area of 307.4 sq.m, a height of c 6.7m, length of 19.7 and a depth of 8.6m together with 4 dormer windows to the front of the garage and 2 dormer and 2 velux style windows to the rear. It is stated that an additional 64 square metres is to be retained. Although the plans submitted with the appeal do not detail the first floor level, the ground floor plans do not show an internal staircase to a first floor or the ground floor subdivision noted on day of site inspection. Overall I am concerned that the public notices may not adequately describe the works to be retained. Prior to deciding this appeal the Board may wish to request amended public notices.
- 13.3 A “domestic garage” is generally considered to be a building ancillary to a residential dwelling which is used, or suitable for uses ancillary to the main dwelling, for the storage of a motor vehicle(s) and is not used for the purposes of any trade or business. In this regard I share the concerns raised by the Local Authority Planner that when viewed from both the public road and from within the site (site photos refer) the exterior of the structure to be retained bears a strong resemblance to a habitable residential unit.
- 13.3 It is my view that there are few visual clues in the elevational treatment to be retained to suggest that this is a garage. Further it is unclear why this elevational approach has been taken. For example this is not a sensitive urban site where great care may be required to ensure that the development of a domestic garage would not detract from the visual amenity of a particular area. This is a rural area and it is my view that to avoid any ambiguity the elevations of the garage should read as a domestic garage. I am not satisfied that the applicant has put forward a reasonable case to justify a departure from such an approach in this instance.
- 13.4 Accordingly it is recommended that should the Board be minded to grant permission that the 6 dormer windows, 4 to the west (front elevation) and 2 to the east (rear elevation) be removed and replaced with velux style windows flush with the roof and that the glazed sliding garage doors (x 2) also be removed and replaced with opaque sectional or roller doors comprising either timber, fiberglass or metal.

14.0 SCREENING FOR APPROPRIATE ASSESSMENT

14.1 The site is within 15km of the nearest point of the following SAC's:

- Ballyhoura Mountains SAC (Site Code 002036) - The qualifying interests include the Northern Atlantic wet heaths with *Erica tetralix*, European dry heaths and Blanket bogs. To date generic conservation objectives apply, namely to *restore the favourable conservation condition*.
- Galtee Mountains SAC (Site Code 000646) - The qualifying interests include the European dry heaths, Alpine and Boreal heaths, Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) Blanket bogs (*if active bog), Calcareous rocky slopes with chasmophytic vegetation and Siliceous rocky slopes with chasmophytic vegetation. To date generic conservation objectives apply, namely to *maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected*.
- Moanour Mountains SAC (Site Code 002257) - The qualifying interests include the Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe). To date generic conservation objectives apply, namely to *maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected*.

14.2 The proposal would not have a direct or indirect impact on the designated site. Taking into consideration the relatively small scale nature of the development as proposed, the absence of any direct pathway via a watercourse and the relative separation between the sites, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and in particular specific site number 002036, 000646 or 002257 in view of the site's conservation objectives. An appropriate assessment (and submission of a NIS) is not therefore required.

15.0 OTHER ISSUES

15.1 **Development Contributions** – Limerick City and County Council has adopted a Development Contribution scheme under **Section 48** of the Planning and Development Act 2000 (as amended) in September 2013. Section 1.5 sets out the categories of development which will be exempted from the requirement to pay a development contribution under the scheme. The proposed scheme is for the retention of alterations and extended floor area of a domestic garage and does not

fall within the categories of development that will be exempted from the requirement to pay development contributions under the Scheme. Therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

16.0 RECOMMENDATION

- 16.1 Having considered the contents of the application, the provisions of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

17.0 REASONS AND CONSIDERATIONS

- 17.1 Having regard to the sites rural location, the planning history pertaining to the garage on site, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the Limerick County Development Plan 2010-2016 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would respect the existing character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

18.0 CONDITIONS

1. The development shall be carried out 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 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. The permitted garage shall only be used for purposes ancillary to the enjoyment of the main dwelling and shall not be used for commercial, trade or business purposes.

Reason: in the interest of proper planning and sustainable development and to protect the amenities of property in the vicinity

3. The proposed development shall be amended as follows:

(a) the 6 dormer windows, 4 to the west (front elevation) and 2 to the east (rear elevation) shall be removed and replaced with velux style windows flush with the roof

(b) the glazed sliding garage doors (x 2) shall be removed and replaced with opaque sectional or roller doors comprising either timber, fiberglass or metal.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and 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.

Mary Crowley
Senior Planning Inspector
31st August 2016