



An
Bord
Pleanála

Inspector's Report PL11. 246764

Development	Retain a detached building, containing home gym/leisure room, study, bathroom and store room, ancillary to the use of the main dwelling, including all associated site works at Clonaghadoo, Co. Laois.
Planning Authority	Laois County Council.
Planning Authority Reg. Ref.	16/155.
Applicant(s)	Cathal and Anne Banaghan.
Type of Application	Retention permission.
Planning Authority Decision	Grant permission with conditions.
Appellant	Noel and Anne Weston (3 rd Party vs. Grant).
Observer(s)	None.
Date of Site Inspection	31 st August 2016.
Inspector	Ciara Kellett.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	4
5.0 Policy Context.....	4
6.0 The Appeal	5
7.0 Assessment	6
8.0 Recommendation.....	7
9.0 Reasons and Considerations/ Reasons.....	7
10.0 Conditions	8

1.0 **Site Location and Description**

- 1.1. Clonaghadoo is a small rural village in County Laois. It is c. 1km off the N80 road between Tullamore and Mountmellick. It is c. 8km north-west of Mountmellick and c. 16km south east of Tullamore. It is c. 12km due west of Portarlinton. The area is predominantly rural in nature.
- 1.2. The village of Clonaghadoo itself, comprises a number of houses along the local road. The houses are mainly single storey bungalow and dormer type dwellings. There is a national school and a graveyard, c. 200m, to the north of the appeal site. The existing dwelling on the appeal site comprises a two storey dwelling built in the 1970's of 212.78sq.m, and the development, the subject of the appeal, is located just north of this dwelling and is 47.61sq.m. The building is single storey and is finished in similar materials to the main dwelling. It is set back from the building line of the main dwelling and the gable fall faces the road. The overall site area is stated as being 0.30Ha.
- 1.3. Appendix A includes a map and photos of the development.

2.0 **Proposed Development**

- 2.1. This is an application for the retention of the detached building to the north of the dwelling, described as being a home gym/leisure room/study/bathroom and store room, ancillary to the main use of the dwelling.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to **grant** retention permission subject to 4 standard conditions.

3.2. **Planning Authority Reports**

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Considers the development is acceptable subject to a condition that the dwelling is not used for habitable purposes.
- Considers the design of the building is in keeping with the dwelling on the site.

3.3. **Other Technical Reports**

Western Area Roads Section - no objection.

Enforcement Section - there is no active enforcement file.

3.4. **Third Party Observations**

One third party submission was received from the neighbour just to the north of the appeal site. The third party noted concerns with the location of the septic tank which they believe was moved when the building was extended and renovated. There is also a reference to the sheds to the rear of their property, which are not the subject of the retention application.

4.0 **Planning History**

- Planning Authority Reg. Ref 370/78: Construction of the original dwelling

5.0 **Policy Context**

The site is subject to the policies and objectives of the Laois County Development Plan 2011 – 2017, and is not located in an area subject to a Local Area Plan.

5.1. **Development Plan**

Appendix 7 to the County Development Plan is *Rural Design Guidance 2011- 2017*. The section of the guidance that refers to Extensions and Garages notes that detached garages may be more suitable, located discreetly to the rear or side of the

main building. Furthermore, extensions and garages should be built with similar materials to the existing house.

Chapter 16 of the Development Plan is *Design and Development Standards*. Development Control Standards are provided and DCS 8 refers to *Extensions and Alterations to Dwelling Units in Urban and Rural Areas*. It states that “*Extensions and alterations should harmonise with the principle building and fit into their site and surroundings in terms of scale, bulk, form and materials. Contemporary or historicist approaches are sometimes equally valid. Extensions should be in proportion with existing buildings, they should not have an adverse effect on neighbouring properties or the surrounding area and they should be positioned to ensure the privacy and adequate sunlight and daylight to key habitable rooms*”.

5.2. Natural Heritage Designations

The River Barrow and River Nore SAC (Site Code 002162) is located to the south c.1.5km from the site and to the south of the N80 road.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal against the decision to grant permission has been lodged by Noel and Anne Weston, who live in the neighbouring property to the north of the site.

The grounds of appeal can be summarised as follows:

- They are of the opinion that the septic tank was moved from its original position.
- Concern expressed about the disposal of rain from the sheds.
- They are of the opinion that a pump has been installed to remove waste water and sewerage.

6.2. Planning Authority Response

The Planning Authority has not responded to the grounds of appeal.

6.3. **Applicants Response**

The First Party response includes:

- There is no pump associated with the septic tank, and
- The septic tank is in the same position as when the main house was built.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Residential Amenities.

The appellants state that they are of the opinion that the septic tank was moved during the renovations of the old garage into its current use as a gym/leisure room, and that a pump was added. They state that this has caused serious problems with their drinking water well and have been advised by Laois County Council that the water is unfit for human consumption.

The applicants have responded stating that the septic tank has not been moved and that there is no pump associated with their septic tank. The appellants have provided no information to support their assertions regarding the movement of the septic tank or the installation of a pump. Notwithstanding this, the septic tank does not form part of the subject planning application and no drawings have been included to request any alterations to the septic tank.

The appellants also refer to the sheds to their rear, and the resulting rain and surface water run-off. The sheds are not the subject of this planning application.

The building that is the subject of this planning application is in accordance with Development Control Standard DCS8 - *Extensions and Alterations to Dwelling Units in Urban and Rural Areas*, of the Laois County Development Plan. It is in harmony with the main dwelling, it does fit into the site in terms of scale, bulk, form and materials. It does not overlook or effect the neighbouring properties and is set back and located to the rear of the main dwelling.

Therefore, I am satisfied that that the proposed development, as stated in the Statutory Notices and as identified on the accompanying drawings, would not seriously injure residential amenities.

7.2. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations/ Reasons

Having regard to compliance with the Laois County Council Development Plan 2011 – 2017, it is considered that the proposed development, as stated in the Statutory Notices and as identified on the accompanying drawings, would not seriously injure residential amenities and would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained 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

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the development shall be restricted to uses ancillary to the main dwelling, unless otherwise authorised by a prior grant of permission.

Reason: To protect the amenities of property in the vicinity.

3. Water supply and drainage arrangement, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

Ciara Kellett
Senior Planning Inspector

5th September 2016

**Appendix A: Location Maps
and Photographs.**

