



An
Bord
Pleanála

Inspector's Report PL26.247462

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| Development | Domestic garage and site entrance |
| Location | Newtown, Bannon, Co. Wexford |
| Planning Authority | Wexford Co. Council |
| Planning Authority Reg. Ref. | 20160922 |
| Applicant | Catriona Mulcahy |
| Type of Application | Permission |
| Planning Authority Decision | Refusal permission |
| Type of Appeal | First Party |
| Appellant | Catriona Mulcahy |
| Observer | none |
| Date of Site Inspection | 26/1/17 |
| Inspector | Siobhan Carroll |

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.26 hectares, is situated circa 4km to the west of the village of Carrick-on-Bannow, Co. Wexford. The site is located close to the end of a cul-de-sac which runs for 500m to the west of the local road serving Kiltra and Newtown.
- 1.2. The lane serves two other residential properties and two farm complexes. The site contains a one and a half storey structure cottage. The property has been extended to the side and rear. The front of the cottage is set back 7m from the lane and the boundary directly to the front is formed by a low capped wall a served by a pedestrian gate. The remaining section of the roadside boundary is formed by a wooden fence and mature hedgerow interspersed with trees.

2.0 Proposed Development

- 2.1. Single storey domestic garage with an area of 40sq m and site entrance.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for three reasons;

1. The proposed development by reason of its location in an undeveloped rural coastal area which is serviced by a substandard road network and which is located in an area which makes a significant contribution to the amenity value of the Wexford County coastline, would detract to an undue degree from the visual amenities of the coastline and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proximity of the site to watercourses and beaches frequented by the public and the adjacent Special Area of Conservation, it is considered that the proposed development represents an unacceptable risk to

the natural heritage of the area and would be contrary to the proper planning and sustainable development of the area.

3. Insufficient information has been provided to ensure that the proposed development would not have a significant negative impact upon a recorded monument and any associated archaeological remains which is considered appropriate to preserve in-situ and therefore the proposal would be contrary to Objectives AH01, AH03 & AH04 of the Wexford County Development Plan 2013-2019 and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Refusal recommended

3.2.2. Other Technical Reports

Area Engineer: No objections

Chief Fire Officer: No objections

3.3. Third Party Observations

The Planning Authority did not receive any submissions/observations in relation to the proposed development.

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Wexford County Development Plan 2013-2019.

- Section 18.13.2 refers to Domestic Garages/Stores and specifies
- Garages shall have a maximum floor area of 80m² and maximum height of 5m.
- The design and finish to be in keeping with the dwelling house.
- Garages shall only be used for purposes ancillary to the enjoyment of the dwelling house.

5.2. Natural Heritage Designations

Bannow Bay SAC (Site code 000697) is situated 30m to the west of the site.

Bannow Bay SPA (Site code 004033) is situated 30m to the west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted on the 26th of October 2016 by Millennium Design on behalf of the applicant Catriona Mulcahy. The main issues raised are as follows;

- In relation to the first reason for refusal which states that the proposed garage would detract from the visual amenities of the coastline it is stated that the garage is single storey with a low pitched roof. The proposed garage would be separated from the coastline by an overgrown plot of land. There is a steep drop between this area of land and the coast and therefore it would not be possible to see the garage from the coast.
- The second refusal reason refers to the development representing an unacceptable risk to the natural heritage of the area. Wexford Co. Council

carried out an Appropriate Assessment screening and it was concluded that there is no potential for significant effects to Natura 2000 sites.

- The proposed garage and site entrance constitute minor works and therefore would have no impact on the nearby Special Area of Conservation.
- The third refusal reason refers to insufficient information being provided to ensure that the proposed development would not have a significant negative impact upon a recorded monument. Three Development Plan Objectives are cited in the refusal reason, Objective AH01, Objective AH03 and Objective AH04.
- Objective AH01 refers to conservation and protection of archaeological sites and monuments. Objective AH03 refers to the requirement that the Council have regard to the advice and recommendations of the National Monuments Service. Objective AH04 refers to archaeological assessments and states they will be required for development which may due to its size, location or nature have a significant effect upon archaeological heritage.
- The appellant's agent states that the proposed garage and entrance would not be contrary to those objective of the Development Plan.
- The recorded monument located to the west of the site is WX045-032. It is listed as a rectangular enclosure in the Wexford record of recorded monuments. A visual inspection of the area indicated no evidence of the enclosure. Therefore, it can be assumed that any remnants of the structure are below ground level. The feature is over 40m from the location of the proposed garage and it is considered that it would not be contrary to Objective AH01.
- In relation to Objective AH03 which requires advice and recommendations of the National Monuments Service where appropriate. Section 3.6.2 of the Framework and Principles for the Protection of the Archaeological Heritage states, *"Where it is considered that a proposed development may (due to its location, size, or nature) have archaeological implications, then an archaeological assessment should be carried out."*

- In relation to Objective AH03 and AH04 it is noted that the proposed garage represents a small scale development and due to its nature and scale it could not have a significant effect upon the enclosure. The location of the garage is 40m from the enclosure and is situated on a different plot of land. The construction of the garage would involve a 500mm deep excavation to provide a concrete foundation strip. The shallow nature of the excavation would mean that it would be extremely unlikely that the proposed works would have any effect upon the enclosure.
- It is considered that an archaeological assessment is unwarranted due to the limited nature and scale of the proposal.
- The planning officer raised concern at the future use of the proposed garage, the applicant confirms that the garage is required to store a vintage car that they own. The location of the garage was chosen to in order to cause the minimum impact to the existing mature garden. The new entrance is proposed as the site is not served by a vehicular entrance. Presently cars are parked on the roadside to the front of the dwelling. The entrance is required to gain access to the garage as there is no other entrance.
- In relation to the solar panels, it is proposed to install photovoltaic panels to the roof to generate enough electricity to run storage heaters in the garage to provide a low ambient temperature to prevent the temperature dropping below freezing to protect the vintage car.
- The first party appellant requests that the Board grant permission for the proposed development for the reasons and considerations set out in the appeal.

6.2. Planning Authority Response

A response to the appeal was received from Wexford Co. Council on the 16th of November. The main issues raised are as follows;

- The garage has a simple design and it is acceptable in principle.

- The proposed garage would be located 43.6m from the main dwelling. The separation between the proposed garage and the dwelling may indicate that the structure would not be ancillary to the main dwelling.
- The proposed new entrance resulting in multiple entrances is not acceptable to the Planning Authority.
- The structure would be located within 40m of a recorded monument. An archaeological assessment would be required for the proposed location.
- The plans indicated solar panels on the roof. Having regard to the separation distance to the main dwelling house the panels may provide heated water to the structure rather than for the dwelling which raises issues of the structure being suitable for conversion to residential accommodation.

6.3. Prescribed Bodies

6.3.1. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs – Development Applications Unit (DAU)

- It is recommended that the applicant be required to engage an archaeologist to prepare a detailed archaeological impact assessment to determine the potential impact of the proposed development on the Recorded Monument identified as WX045-032.

7.0 Assessment

7.1. Permission is sought for the development of a 40sq m single storey domestic garage with a ridge height of 4.3m. It is proposed to locate it within the garden of an existing cottage 43m to the north-west of the dwelling. As stated in the first party appeal the garage is required to accommodate a vintage car which the applicant owns. Permission is also sought for a new vehicular entrance. The new vehicular entrance to access the garage is required as there is no existing vehicular entrance. The cottage is served by a pedestrian gate and vehicles are parked to the front of the property.

- 7.2. Section 18.13.2 of the Wexford County Development Plan 2013-2019 refers to Domestic Garages/Stores. It is Development Plan policy that domestic garage shall have a maximum floor area of 80sq m and maximum ridge height of 5m, that the design and finish be in keeping with the main dwelling house and that garages shall only be used for purposes ancillary to the enjoyment of the dwelling house.
- 7.3. The proposed garage has an area half that of the maximum floor area and a ridge height of 4.3m. A simple pitched roof design is proposed. Accordingly, the design and scale of the proposed garage is consistent with a garage for use for domestic purposes ancillary to a dwelling. The Planning Authority had concerns in relation to the location of three solar panels to the southern elevation. The applicant has stated that the solar panels will be used to power storage heaters in the garage ensure the temperature does not drop below freezing to protect the vintage car which will be stored in the garage. The solar panels are relatively limited in size having dimensions of circa (700mm x 800mm) therefore, I would have no objection to their installation.
- 7.4. While the proposed location of the garage is 43m from the dwelling at the northern corner of the site the applicant has stated that the location was chosen to minimise the impact on the existing mature garden. The new vehicular entrance is required for vehicular access to garage as there are currently no other means of access. In this regard the proposed vehicular entrance would not result in the provision of multiple entrances.
- 7.5. In relation to the visual impact of the proposed garage, there is mature tree planting within the adjoining plot of land to the north-west and existing mature trees and hedgerow along the roadside boundary of the existing dwelling. The garage would be located over 35m back from the coast and the site is well screened. Accordingly, I am satisfied that the proposed garage would not unduly impact upon the visual amenities of the area and specifically the amenity value of the Wexford County coastline.
- 7.6. There is a Recorded Monument WX045-032 located in the adjoining plot of land to the north-west of the appeal site. WX045-032 is described as a *“subrectangular embanked enclosure (ext. dims c. 70m NE-SW; c. 30-40m NW-SE) on the 1839 ed. of the OS 6-inch map, where it is backing onto the SE shore of Bannow Bay at NW.*

It is located at the bottom of a NW-facing slope and on the SE shore of Bannow Bay. This is a subrectangular scrub-covered area (dims. 53m NE-SW; 30m NW-SE) defined by an earthen bank (Wth 4-5m; H 1.5-1.8m) on all sides except the NW where the perimeter may have been eroded by the sea and where there is now a cliff (H 1.5m). There is no original fosse, but there is an entrance gap (Wth 5.5m) on the SW side.”

- 7.7. The third refusal reason issued by the Planning Authority referred to the fact that insufficient information had been provided to ensure that the proposed development would not have a significant negative impact upon a recorded monument and any associated archaeological remains. A report from the Development Applications Unit at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs provided to the Board on foot of a Section 131 notice recommends that the applicant be required to engage an archaeologist to prepare a detailed archaeological impact assessment to determine the potential impact of the proposed development on the Recorded Monument identified as WX045-032.
- 7.8. Having regard to the separation distance of 40m between the location of the proposed garage and the approximate location of the Recorded Monument on the adjoining plot of land and the limited nature and scale of the proposed development, I do not consider the provision of an archaeological impact assessment is warranted. Should the Board decide to grant permission for the proposed development, I would recommend the attachment of a condition requiring that the developer facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site and that a suitably-qualified archaeologist be employed to monitor all site investigations and other excavation works.
- 7.9. The appeal site is situated 30m to the east of Bannow Bay SAC (Site code 000697) and Bannow Bay SPA (Site code 004033). Having regard to the nature and scale of the proposed development namely a garage for domestic purposes ancillary to the existing house, nature of the receiving environment and proximity to the nearest European site, 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.

8.0 Recommendation

- 8.1. Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission should be granted for the following reasons.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2013-2019, the height, scale, siting and design of the proposed garage, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or impact upon Recorded Monument WX045-032 and any associated archaeological remains and would be in accordance with the proper planning and sustainable development of the area.

10.0 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 garage structure hereby permitted shall only be used for domestic purposes ancillary to the main house. The structure shall not be let out or used for any commercial purposes.

Reason: In the interest of proper planning and sustainable development.

3. The external finishes of the proposed garage (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Siobhan Carroll
Planning Inspector

31st January 2017