



An
Bord
Pleanála

Inspector's Report PL.27.247898.

Development	Permission for retention of sheds.
Location	Dunlavin Lower, Dunlavin.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	16/1217.
Applicant(s)	Maurice Keogh.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v. Decision.
Appellants	Maurice Keogh.
Observers	None.
Date of Site Inspection	30 th March 2016.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The site is located at Dunlavin Lower on the western edge of Dunlavin a rural town in west county Wicklow c. 6km west of the N81 and c. 18km north of Baltinglass. This part of the town is rural in character, despite its location within the development boundaries of the town, and is characterised by a mixture of house types and scale with numerous properties having substantial sheds/structures within their curtilage.
- 1.2 The site, with a stated area of c. 0.115 hectares, is elevated and exposed from the western approach to the village. The existing house on site, built in the late 1990s, is storey and a half with a balcony on the front façade and a brick finish. The site also contains a detached single storey granny flat to the rear and two small sheds and a storey and a half detached structure which are the subject of this application. The site is bounded to the west and south by low block walls and an agricultural field which is zoned for residential use. To the west by a single storey detached house. The front boundary is a stone wall with public lighting and footpaths along the public road which slopes east to west.
- 1.3 Maps, Photographs and aerial images in file pouch.

2.0 Proposed Development

Proposal is for retention of:

- A detached shed with a g.f.a of c.89.7sq.m and a height of c.6.2m. The ground floor is used as a tool store and laundry room and first floor as a gym.
- 2 Fuel sheds with a combined gfa of 5.75 sq.m.

On a site with a stated area of c.0.115 hectares.

The application to the Planning Authority included permission for the retention of a single storey extension (c.12.25sq.m) to the rear of the house. This was granted by the Planning Authority and is not the subject of this appeal.

3.0 Planning Authority Decision

3.1 Decision

A Split decision was issued by the Planning Authority.

- Permission granted for the retention of the rear extension to the house.
- Permission refused for the retention of the outside sheds used as a tool shed, laundry room and gym and 2 no. fuel stores for the following reason:

Having regard to:

- a. The location of the proposed development on a restricted site in an established residential area.*
- b. The nature and scale of the existing permitted development on site.*
- c. The height, scale, design and layout of the large detached dormer structure to be retained.*
- d. The combined scale of the outside sheds to be retained.*

It is considered that the proposed development would be over and above the needs of the existing dwelling and could not be considered as ancillary to the main dwelling. These structures, in addition to the existing granny flat, distort the mass and scale of the development on this site resulting in over development of the site and a reduction in residential amenity. To permit this development would be contrary to the amenities of the area, would set a precedent for similar development in the area and would be contrary to proper planning and development

This appeal is against the decision to refuse permission.

3.2 Planning Authority Reports

3.2.1 Planning Report (14th December 2016)

This Report forms the basis for the Planning Authority's decision and the main issues are highlighted below:

- The structure to be retained would distort the mass and scale of the residential development on site.
- History of retention permissions.
- The structure is considered to be more representative of another residential unit rather than an ancillary outbuilding.
- The outhouses/shed have a combined g.f.a of c. 95 sq.m which is considered excessive for the site.

3.2.2 Other Technical Reports

None.

3.2.3 Third Party Observations

None

4.0 Planning History

Planning Authority Reference No. 16/408. Permission refused in 2016 for retention of a garage. This relates to the same structure which is the subject of this application. The reason for refusal related to the scale of the development which was considered excessive and could not be seen as subsidiary to the main house and would distort the mass and scale of development on site.

Planning Authority Reference No. 06/4855. Permission granted in 2006 for the change of use of the detached garage to granny flat.

Planning Authority Reference No. 05/4153 and **05/2458** refer to applications for permission for the retention for the change of use of the garage to a hairdressing salon. Refused on the grounds that the development would

contravene the land use zoning objective and be contrary to the amenities of the area.

Planning Authority Reference No. 04/505. Permission granted in 2005 for the detached garage.

5.0 Policy Context

5.1 Wicklow County Development Plan 2016-2022

Volume 2 Town Plans & Village Settlements:

Section 5. Dunlavin Town Plan 2016-2022

Dunlavin is identified as a Small Growth Town (Level 5).

Site is zoned under Land Use Objective **RE**, Existing Residential *To protect, provide and improve residential amenities of existing residential areas.*

Appendix 1 Development & Design standards for extensions shall apply.

5.2 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1 Grounds of Appeal

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

- The use of the structure as a tool shed and laundry room at ground floor and a gym on the first floor is ancillary to the house and for use by family members only. The smaller sheds to be retained are for fuel storage and

the applicant is willing to remove the 2 smaller sheds if required by the Board and move the fuel store element to within the main structure.

- The main shed is lower in height than the main house and located to the rear of the site.
- Other sites in the area are more congested and there is a precedent for the size and scale of the shed in the immediate area.
- The footprint of the building occupies c.19.7% of the site with 80.3 % consisting of lawns, yards and carparking. Therefore, the site cannot be regarded as restricted or overdeveloped.

6.2 Planning Authority Response

None.

6.3 Observations

None

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Appropriate Assessment

7.1 Residential Amenity.

7.1.1 The Planning Authority's reason for refusal considered that the proposed development would be over and above the needs of the existing dwelling and could not be considered as ancillary to the main dwelling and that these

structures, in addition to the existing granny flat, distort the mass and scale of the development on this site resulting in over development of the site and a reduction in residential amenity.

7.1.2 The application site has a stated area of c. 0.115 hectares, the breakdown of development on site is:

Permitted development:

- Dormer dwelling: g.f.a of c.155 sq.m (height c. 7.4m).
- Detached granny flat: g.f.a of c.44 sq.m (height c. 5m).

Development to be retained:

- Detached Shed (tools shed/Laundry Room & Home Gym): g.f.a c.89.7sq.m (height c. 6.2m).
- Fuel store no. 1: g.f.a 1.65sq.m (height c.2.4m)
- Fuel store no. 2: g.f.a 4.14sq.m (height c.2.65m)

7.1.3 The main structure which is the subject of this application is located to the rear of the house and to the west of the detached granny flat with no vehicular access. The location of the structure does not lend itself to any use other than one which is ancillary to the main residential use of the site. I am satisfied that the use of the structure can be dealt with by condition.

7.1.4 In my view the visual impact of the proposed development will not detract for the amenities of the surrounding area. The site is located within the development boundaries of Dunlavin. It is the first house on the southern side of the western approach into the town with the lands adjoining the site zoned residential. The area is characterised by a mix of dwelling types and scales, many of which have substantial garages/structures within the curtilage of their sites. There are a number of other structure on the site, including 2 small fuel stores which are also the subject of this application. The side wall of a fuel store is built on the boundary with a slight overhang in line with pillars erected along

the boundary wall. It does not encroach on third party lands as it follows the boundary line.

7.1.5 I am satisfied that the location of the site on the edge of the town and its relationship to adjoining houses can absorb the structures to be retained and that the proposal does not amount to the over development of the site. In my view the structures are subservient in terms of design, scale and height to the main house on site and would not distort the mass and scale of the residential development site. Hedging should be planted along the western boundary to further assist in screening the development.

7.1.6 Private open space complies with the Development Plan standards. Issues relating to overlooking and overshadowing do not arise and the use of the structure can be dealt with by condition.

7.1.7 I therefore disagree with the Planning Authority's recommendation and recommend that permission should be granted.

7.2 Appropriate Assessment

7.2.1 There are no direct links to the nearby European designated sites and having regard to the location of the site in a fully serviced rural town area and the nature and scale of the proposal, 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

I recommend therefore that permission be granted for the reasons and considerations set out below Reasons and Considerations

9.0 Reasons and Considerations

Having regard to the provisions of the current Wicklow County Development Plan 2016-2022, to the pattern of development in the area and to the nature, form, scale and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be

retained would not seriously injure the residential or visual amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application except as otherwise may 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 re-commencement of development and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The structures shall be used solely for purposes incidental to the enjoyment of the house and shall not be used for human habitation or for commercial purposes, sold leased or otherwise transferred or conveyed, save as part of the dwelling.

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

3. A continuous hedge of indigenous species (e.g. holly, hawthorn or beech or of evergreen species, but not leylandii), shall be planted for the full length of the western boundary

Reason: In the interest of residential and visual amenity.

4. 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. All surface water generated within the site boundaries shall be collected and disposed

of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of public health and to ensure a proper standard of development.

Dáire McDevitt
Planning Inspector

13th April 2017