



An
Bord
Pleanála

Inspector's Report PL16.247988

Development	Retention of a timber bicycle shed in front garden with permission for a period of 5 no. years
Location	13 Carrowbeg Estate, Castlebar Road, Westport, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P16/878
Applicant(s)	Gerard Kenny
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Gerard Kenny
Observer(s)	None
Date of Site Inspection	27/04/2017
Inspector	Gillian Kane

1.0 **Site Location and Description**

- 1.1. The subject site is a two storey semi-detached dwelling with a single storey side extension (conversion of former garage), in a residential cul-de-sac to the north of the town centre of Westport. The cul-de-sac of semi-detached dwellings is a mature residential area with a degree of uniformity in all of the dwellings, which provide off-street car parking. Some of the dwellings have been extended at ground and first floor level to the side.
- 1.2. A flat-roofed wooden structure of just over 2m in height stands on the driveway of the subject site, no. 13 Carrowbeg. A single door allows access to the shed and a row of evergreen trees lies between the shed and the eastern boundary.
- 1.3. Photographs and maps are attached in Appendix 1.

2.0 **Proposed Development**

- 2.1. Permission was sought for the retention of a timber bicycle shed / domestic shed of 6.4sq.m. in the front garden of a dwelling for a period of five years.
- 2.2. The application was accompanied by a cover letter stating that the purpose-built shed was constructed to accommodate a specific type of bicycle, the dimensions of which are such that it cannot fit down the side of the dwelling to the rear garden. The applicant proposes to reduce the height of the existing shed by 200mm.

3.0 **Planning Authority Decision**

3.1. **Planning Authority Reports**

- **Planning Report:** It is considered that the placing of a garden shed beyond the front building line of a semi-detached dwelling constitutes ad-hoc and sub-standard development that would impact on the character and residential amenity of the area.
- **Roads Design Office:** No objection
- **TII:** No objection

3.2. **Third Party Observations**

- 3.2.1. One observation to the proposed development was submitted to the Planning Authority. The submission, signed by 14 no. residents objects to the proposed retention on the grounds of visual amenity.

3.3. **Planning Authority Decision**

On the 16th January 2017 Mayo County Council issued a notification of their decision to REFUSE permission for the following reason:

1. The proposed retention infringes on the existing building line and constitutes a sub-standard and ad-hoc form of development, the retention of which would both by itself and the precedent such a retention would set, impact negatively on the existing character and residential amenity of the area and depreciate the value of property in the vicinity. The proposed retention is therefore contrary to the proper planning and sustainable de of the area.

4.0 **Planning History**

- 4.1.1. Enforcement proceedings are referred to in the cover letter but no details have been provided to the Board.

5.0 **Policy Context**

5.1. **Westport Town and Environs Development Plan 2010-2016**

- 5.1.1. In the plan, the site is zoned '**A1 Residential Phase 1**' which has the stated objective "It is an objective of the Residential land use to protect, improve and develop residential areas and to provide for facilities and amenities incidental to those residential areas, where appropriate".
- 5.1.2. Section 7.3 of the plan refers to building lines, stating that they should be set by the context of the proposed development and that they are a minimum requirement and applicants should be encouraged to develop at a greater distance from the public roadway.
- 5.1.3. Section 7.10 of the plan refers to the importance of building lines in Westport and states that in housing estates the building line shall be at least 6m from the inside edge of the public footpath along the estate road, except at

junctions where it may be required to increase this in order to create adequate sight distance. Building lines should be varied in large estates in order to avoid monotony and rigidity. Where housing developments take place adjacent to public roads, the provision of a service road will be required with the building line relating to the service road.

6.0 **The Appeal**

6.1.1. A first party appeal of the Council's decision can be summarised as follows:

- The subject shed was purpose built to house an electric bike that is used to transport children.
- The bike is too wide to fit down the side lane (600mm) to the rear of the dwelling.
- A tarpaulin rain cover cannot be used to cover the bike as it would need to be dried frequently and would not allow access to the baby seat.
- Public transport options in the area are limited. Cycling is a sustainable form of transport.
- The shed is required for a period of 5 years as this is the lifetime the e-bike will be required.
- The wood finish of the shed softens its appearance, as does the row of 2m high evergreen trees along the boundary. The visual impact of the shed is minimal.
- The subject shed will be reduced by 200mm, as shown on drawing no. GK/PLN/p/01.

6.2. **Planning Authority Response**

6.2.1. None on file.

7.0 **Assessment**

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

- Principle of the proposed development
- Appropriate Assessment

7.1. **Principle of the Proposed Development**

- 7.1.1. The subject shed to be retained, after modification as submitted to the Board would be 2m high at the highest point. The shed is clearly and identifiably a stand-alone structure which creates its own building line, independent of the row of semi-detached dwellings. Section 7.3 of the development plan states that building lines should be set by the context of the proposed development. The ordinary understanding of 'building lines' is that it refers to permanent structures - such as the row of semi-detached dwellings within this cul-de-sac. I do not agree that it applies to temporary or stand-alone structures. I do not accept that section 7.10 of the development plan which seeks to protect buildings lines applies to the subject shed.
- 7.1.2. The subject shed which reads as a domestic shed, is screened from view by a row of 2m high trees along the eastern boundary. I am satisfied that the shed to be retained does not injure the visual or residential amenity of the residential cul-de-sac.
- 7.1.3. I am satisfied that the proposed development is in accordance with the zoning objective of the development plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and / or 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.

8.0 **RECOMMENDATION**

- 8.1.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Westport and Environs Development Plan 2010-2016 and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development to be retained 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 to be retained 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 information submitted to the Board on the 13th day of February 2017 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 life of this permission to retain shall be for a period of five years from the date of this order, unless prior to that date approval has been granted for the further retention of the structure.

Reason: In the interest of clarity.

Gillian Kane

Gillian Kane
Planning Inspector

02 May 2017