



An
Bord
Pleanála

Inspector's Report PL17.248019

Development	Retain alterations to windows, additional window to side, provision of attic storage with 2 no. doors in gables, use of part of garage for meeting/cinema room and use of storage area as office/utility room.
Location	No.4 Kilbrena Road, Dunboyne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA/161270
Applicant	Adrian Groza
Type of Application	Retention permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Paul Griffith and Elaine Farrell
Observer(s)	None
Date of Site Inspection	27/04/17
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

1.1. No. 4 Kilbrena Road, which has a stated area of 0.0835 hectares, is a recently extended detached dormer dwelling and is one of 6 dwellings that front onto an open space area and Kilbrena Crescent to the north of Dunboyne town centre. There is a detached garage to the rear with a setback of c. 1 metre from the eastern site boundary. The external finishes of the garage match the dwelling. The shared boundary with the dwelling to the east is delineated by a block wall backed by a timber fence in the region of 1.8 metres high.

2.0 Proposed Development

- 2.1. The proposal is seeking permission to retain alterations to the garage including:
- (1) Repositioning and revised sizing of previously approved window locations.
 - (2) Provision of additional window opening on side (west) elevation of garage.
 - (3) Provision of attic storage area with 2 access doors at high level on each gable.
 - (4) Partial change of use of previously approved garage area to meeting room/home cinema and change of use of storage area to office/utility. The meeting room use is a temporary measure for church committee meetings until a church site is secured. Meetings are held approx. once a fortnight.

The garage has a floor area of 55.65 sq.m. with attic storage having a stated area of 74 sq.m.

3.0 Planning Authority Decision

3.1. Decision

Grant retention permission subject to 2 conditions. Condition 2 requires the structure to be used for domestic purposes incidental to the enjoyment of the dwelling and not used as separate living accommodation or for the carrying out of any business or commercial activity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The development is set up as indicated on the plans and is ancillary living space to the main dwelling. It is used on occasion for a prayer group/church meeting however it is considered that such a use is incidental to the enjoyment of the dwelling house. A grant of retention permission is recommended.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

An objection to the application received by the planning authority cites issues comparable to those set out in the grounds of appeal summarised below.

4.0 Planning History

RA/160372 – permission granted in August 2016 for extension to dwelling and new single storey pitched roof garage/storage shed in rear garden subject to 10 conditions including condition 9 restricting the use of the garage to be used for domestic purposes only and not be used for business or commercial activity.

5.0 Policy Context

5.1. Development Plan

Dunboyne Clonee Pace LAP 2009-2015:

The site is within an area zoned A1 Existing Residential with the objective to protect and enhance the amenity of developed residential communities.

Chapter 11 of the Meath County Development Plan 2013-2019 sets out the development management guidelines and standards for domestic extensions.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd Party appeal against the planning authority's notification of decision to grant retention permission can be summarised as follows:

- The garage is a new residential unit in the rear garden. The utility area would suggest a kitchen whilst there is an ensuite with shower unit.
- The windows and high level doors give rise to overlooking and loss of privacy which would result in a devaluation of property.
- It is not clear whether the unit is to be used for commercial purposes.
- The use of the cinema/meeting room would result in additional car parking on Kilbrena Road and give rise to noise pollution. There is inadequate parking in the area
- Should permission be granted the high level doors to the attic storage and enlarged/new windows should be omitted.

6.2. Applicant Response

The submission by Doyle Kent Planning Partnership Ltd. on behalf of the applicant can be summarised as follows:

- The garage is used for purposes incidental to the dwelling. It is not used as living accommodation.
- There is a small shower/bathroom which the applicant uses.
- There are occasional meetings held with church volunteers. They are not prayer meetings. There is no business being run from the garage.
- There is no kitchen associated with the garage. The utility room is additional space to supplement the existing kitchen in the house.

- The storage space is sometimes used to store children's toys and equipment which is taken out occasionally for Sunday school and other celebration days in the main church in Parnell Street.
- The two external access doors to the storage area can only be reached by ladder. They are high level and are only used occasionally. It could not be said to result in overlooking.
- There are no opportunities to overlook adjoining properties from the 3 m high level velux type window.
- The works entailed the repositioning and revised sizing of previously approved windows on the front and side elevations. There is no impact on adjoining property.

6.3. Planning Authority Response

The response can be summarised as follows:

- The repositioning and revised sizing of windows will not seriously affect the amenity of adjoining properties.
- The provision of an attic storage area together with 2 no. high level access doors is acceptable. External access by ladder, only, is possible with the space not high enough for habitable purposes.
- The space did not appear to be used as a separate living unit and is used as described by the applicant for prayer group and church meetings on occasion.

6.4. Observations

None

7.0 Assessment

- 7.1. The appellants' property is to the east of the appeal site with the shared boundary delineated by a block wall and timber fence c.18. metres in height.
- 7.2. The garage as constructed on site is positioned in accordance with that permitted under ref. RA/160372 with a setback of c. 1 metre from the shared boundary. It also

has the same footprint and height as that permitted. Originally the internal arrangement was to comprise of a garage space with a stated floor area of 53.60 sq.m. and storage space of 20.10.sqm. As constructed the internal configuration has been modified providing for an office/utility space with a stated floor area of 22.30 sq.m., a meeting room/cinema with ensuite off same with a floor rea of 25.25 sq.m. and a garage with a floor area of 27.40 sq.m. The window openings have been modified with an additional window provided to the garage space in the western elevation and a roof light provided to the eastern elevation. In addition, the attic is now used for storage purposes. External access, only, is available via two high level doors accessed by a ladder. The structure as developed on site corresponds with the plans on file.

- 7.3. As noted on day of inspection the rooms were being used for purposes ancillary to the main dwelling and for storage of material associated with the church the applicant is a member of. The fact that one of the rooms is used for meetings associated with the administration/logistics of church activity cannot be considered as being any different to a meeting or social gathering in the main house and the consequent knock on impacts in terms of parking. This does not constitute commercial activity.
- 7.4. Whilst I note the appellants' concerns regarding the design and layout being conducive to use as a living unit separate from the main dwelling, this is not what is being sought by the applicant and there was no evidence on day of inspection to suggest the unit is being used for such purposes. The structure is intended for purposes ancillary to the main dwelling. In my opinion the limitations in the use of the structure can be explicitly spelt out in a condition should the Board be disposed to a grant of permission
- 7.5. In terms of the amenities of adjoining property I do not consider that the enlarged windows openings to the front and side elevations would adversely impact on the amenities of adjoining property relative to those as permitted. The new window to the garage on the west elevation faces away from the shared boundary. The window opening in the eastern elevation, which now serves the ensuite, has been reduced in size and faces directly onto the boundary fence. Overlooking from the roof light would not arise. In terms of the attic storage provision external access, only, via a ladder to the two doors is possible. Whilst a somewhat awkward

arrangement it is not in constant use and I do not consider that such provision would give rise to issues of overlooking and subsequent loss of privacy as to require their omission.

7.6. I therefore would not subscribe to the appellants' recommendation in terms of blocking up of the said doors and window openings.

7.7. AA- Screening

Having regard to the nature and scale of the development 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 retention permission be granted for the above described development for the following reasons and considerations subject to conditions:

9.0 Reasons and Considerations

Having regard to the existing permission for a detached garage on the site granted under register reference RA/161270 and to the extent and nature 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 amenities of property in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The garage structure to be retained shall be used as a private domestic garage solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for human habitation, commercial, trade or industrial purposes.

Reason: To restrict the use of the garage structure in the interest of residential amenity

Pauline Fitzpatrick
Senior Planning Inspector

May, 2017