



An
Bord
Pleanála

Inspector's Report PL16.248116

Development	Construction of shed behind existing house
Location	Kinlough, Headford, Co. Galway
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P16/911
Applicant(s)	Sean Burke
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Kenneth Joyce
Observer(s)	None
Date of Site Inspection	28/04/2017
Inspector	Gillian Kane

1.0 **Site Location and Description**

- 1.1. The subject site is located on the eastern side of a local country road, approx. 1.8km north-east of the R334 and 2km west of the N84 Galway Road. The surrounding area is rural and agricultural with few dwelling houses. On the subject site is a two storey detached dwelling with two single storey shed structures to the rear (west). A concrete foundation has been laid in the approx. location of the proposed development. To the north of the subject site is a two storey detached dwelling with a single storey conservatory to the side (south).
- 1.2. Photographs and maps are attached in Appendix 1.

2.0 **Proposed Development**

- 2.1. Permission was sought for the construction of a domestic fuel store of 66.89sq.m. to the rear of an existing two storey detached dwelling, all on a site of 0.36ha.
- 2.2. One objection to the proposed development was submitted by the owner of the dwelling to the immediate north, stating that the proposed shed would cast a shadow on his garden and would cause a noise nuisance.
- 2.3. The applicant was requested to submit revised details showing a nap plaster finish and relocating the shed further west on site.

3.0 **Planning Authority Decision**

3.1. **Planning Authority Reports**

- **Planning Report:** Garage moved to a distance of 24m from dwelling to north. No objection to proposal.

3.2. **Planning Authority Decision**

On the 3rd February 2017 Mayo County Council issued a notification of their decision to GRANT subject to 5 no. conditions. Condition no. 2 requires that the subject shed be used for domestic purposes only and condition no. 4 requires that the shed be finished in a nap plaster or dash.

4.0 **Planning History**

- 4.1.1. Subject Site: Planning Authority Reg. Ref. **04/1945**: Permission granted for the construction of a serviced dwelling house
- 4.1.2. Appellant Site: Planning Authority Reg. Ref. **16/824**: Permission received for a domestic shed of 60sq.m. on the northern boundary of the subject site.

5.0 **Policy Context**

5.1. **Mayo County Development Plan 2014-2020**

- 5.1.1. The subject site is located in an unzoned rural area, designated as structurally weak on Map 3 of the development plan.

6.0 **The Appeal**

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

- Foundation for proposed shed has been constructed in a location not in accordance with the submitted drawings.
- The proposed shed is not similar to the house in terms of materials or finish.
- Proposed shed is in close proximity to common boundary and will affect the residential amenity of the appellant's garden in terms of noise and wind nuisance.
- The propose shed could be sited on the other boundary, away from the appellant's dwelling.
- The raft foundation is higher than the appellant's property compounding overshadowing problems.
- The appellant is concerned about roof and surface water entering his land.
- Other structures have been constructed without permission.
- The proposed shed will devalue the appellant's property.
- The proposed shed is too high and too large, spoiling the view.

6.2. **Planning Authority Response**

- 6.2.1. None on file.

6.3. **Applicant Response to Appeal**

6.3.1. The application is for a domestic shed, to be built to the requirements of Mayo County Council. It is 85ft away from the neighbouring dwelling and will not block any sunlight. There are no other buildings on the site, only a small timber shed and a small container. These do not require permission and will be removed when the shed is built.

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 proposed shed has an overall height of 4.4m. Following a request from the Planning Authority the applicant moved the proposed shed to a point further west from the house and the appellants house. Drawing no. 00-102 shows a separation distance of 22.86m between the proposed shed and the applicants dwelling and a distance of 24m between the proposed shed and the appellants home. It is considered that a separation distance of 24m is sufficient to ameliorate any possible negative impacts in terms of noise or nuisance.

7.1.2. Such sheds are not unusual in rural areas. The height of the shed is not excessive and will not cause overshadowing of the appellant's garden or home. The proposed nap plaster finish and roof cladding are in keeping with the existing dwelling and the rural surroundings.

7.1.3. I am satisfied that the proposed development 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. The Black River which is part of the Lough Corrib SAC is located 145m to the west of the subject site. Having regard to the nature and scale of the

proposed development and the nature of the receiving environment, 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 Mayo County Development Plan 2014- 2020 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, 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. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

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

4. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity

Gillian Kane

Gillian Kane
Planning Inspector

11 May 2017