



An
Bord
Pleanála

Inspector's Report PL.26.248312

Development	Retention of elevational changes to shed.
Location	23 Ramsfort Avenue, Gorey, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20170044.
Applicant	Alan Hayes.
Type of Application	Permission for Retention.
Planning Authority Decision	Refuse.
Type of Appeal	First Party V. Decision.
Appellant	Alan Hayes.
Observers	None.
Date of Site Inspection	6 th June 2017.
Inspector	Dáire McDevitt

1.0 Site Location and Description

- 1.1 No. 23 Ramsfort Avenue, a two storey semi-detached house, is part of a small residential development of 28 houses built in the 1970s to north of the Main Street in Gorey, Co. Wexford. The housing scheme is characterised by 2 storey semi-detached houses with side garages. Houses No. 11 to 26 Ramsfort Avenue back onto a strip of land which separates the houses from Chucky's River. A number of the houses have pedestrian access off this backland area and there is large shed with double doors forming the rear boundary of No. 19.
- 1.2 The shed, which is the subject of this appeal, forms the rear boundary of No. 23 with roller shutter doors on the northern elevation (rear) facing onto this strip of land and roller shutter doors to the southern elevation facing into the rear garden of No. 23. There are vehicular tracks along this patch of land to the rear. The area adjacent to the shed has been cleared and is wider than the access track.
- 1.3 Maps, aerial images and photographs in the file pouch.

2.0 Proposed Development

Permission for the retention of changes to the northern and southern elevations of a detached shed. The changes to be retained include roller shutter doors to both elevations.

The applicant has outlined that the shed is for domestic use only.

3.0 Planning Authority Decision

Refuse permission for the following reason:

The rear elevation of the garage/shed structure as constructed would facilitate vehicular traffic movements on the narrow strip of land at the rear of Ramsfort Avenue, which is unsuitable for vehicular movement. As such the development would endanger public safety by reason of traffic hazard.

3.1. Planning Authority Reports

3.1.1. Planning Reports

The Planner's Report formed the basis of the Planning Authority's decision and the issues are reflected in the reason for refusal.

- The area is not suitable for vehicular access and to permit the retention of the elevational changes to facilitate vehicular access would set an undesirable precedent.
- Reference is made to the Draft Gorey Local Area Plan 2017-2023 where the area to the rear of Ramsfort Avenue is identified as part of a possible amenity walking route and biodiversity park and the provision of a vehicular access route here may conflict with this.
- Appropriate Assessment Screening Report is included and the requirement for Stage 2 has been screened out.

The planning application was assessed under the Gorey Town & Environs Development Plan 2010. Since then the Gorey Town & Environs Local Area Plan 2017-2023 has come into effect.

3.1.2. Other Technical Reports

None.

3.2. Prescribed Bodies

None.

3.3. Third Party Observations

None.

4.0 Planning History

Planning Authority Reference No. 20150907. Permission granted in 2015 for a shed to the rear of No. 23 Ramsfort Avenue. Condition No.5 was attached

which restricted access to the structure from the garden (southern) side of the structure only.

Planning Enforcement file regarding the elevational changes. The scale and height complies with 20150907. The current application is on foot of this enforcement action.

5.0 Policy Context

5.1 Gorey Town and Environs Local Area Plan 2017-2023

Map 11 Land Use Zoning Map.

- The rear section of the site is on lands zoned under Land Use Objective LA (Leisure & Amenity).
- The front section of the site is on lands zoned under Land Use Objective R (Residential).

Reference to the County Plan for Development Management standards.

Section 5 refers to The Greener Gorey. Open Space, Recreation and Green Infrastructure Strategy. This has identified a high quality network of open spaces, recreation facilities and Green Infrastructure, which together will contribute to the making the town an attractive place to live, work and visit.

Section 5.3.7 refers to amenity walks and green corridors, linear open spaces along paths, watercourses, planting or other natural features that would provide opportunities for walking and cycling, informal recreation, biodiversity and wildlife migration. Separation distances from water courses, riparian zones, etc have been set out in the Objectives to be applied to new developments.

Figure 32. The Gorey Green Strategy has identified Green corridor links along Chucky's River as a proposed walkway.

Objective OS03 refers to the requirement to have regard to the 'Planning Watercourses in the Urban Environment Guidelines' when considering developments in the vicinity of rivers and streams.

5.2 Wexford County Development Plan 2013-2019

Section 18.13.2 refers to domestic garages/stores and the relevant criteria for their development is set out.

Section 18.29.4 refers to development on private lanes and the requirement to submit evidence that there is a legal right to use the lane as access/egress to/from the development.

5.3 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

- The garage/shed is for domestic use.
- There was an existing garage on site with access off the lands to the rear. The shed which is the subject of this application replaced the former structure.
- There has always been rear and front access to the properties at Ramsfort Avenue, with occasional and historical access to the houses from the land adjoining the stream.
- Unjust to refuse access to this shed when there are others along this section of land using rear access points.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

The planning application was assessed under the Gorey Town & Environs Development Plan 2010. Since then the Gorey Town & Environs Local Area Plan 2017-2023 has come into operation.

The principle of the shed is established on site and this application refers to the retention of the northern and southern elevations as constructed.

The main issues in this appeal relate to those raised in the grounds of appeal which seek to address the reason for refusal. The issue of appropriate assessment also need to be addressed. The main issues are:

- Access.
- Appropriate Assessment

7.1. Access.

7.1.1 The shed which is the subject of this application was granted permission under Planning Reference No. 20150907. Condition No.5 was attached which restricted access to the structure from the garden (southern) side only. The current application is for the retention of elevational changes which consist of roller shutters to the northern elevation (facing the river and common ground) and southern elevation (facing the rear garden of No. 23).

- 7.1.2 The Planning Authority refused permission for the retention of the shed as constructed on the grounds that the roller shutters would facilitate the use of the strip of land to the rear of the houses along Ramsfort Avenue for vehicular use, which is unsuitable for such use and would set an undesirable precedent for garages and the vehicular use of this land, thus endangering public safety by reason of a traffic hazard.
- 7.1.3 The applicant in the grounds of appeal has referred to the occasional and historical use of this area to access the rear of the houses as evidenced by wheel tracks on the ground. The applicant has also outlined that the shed to be retained replaced a previous one which had rear access. The Area Planner's report under 20150907 referenced an existing structure on site. At the time of inspection, I noted that numerous properties along Ramsfort Avenue had access to their properties off this strip of land and a shed with large double doors formed the rear boundary of No. 19.
- 7.1.4 I am satisfied that traffic movements associated with a domestic shed are modest and would not create a traffic hazard at this location. No traffic concerns were raised at assessment stage by the Council's Municipal Engineer. There are no details on file pertaining to any right of way over the strip of land to the rear of Ramsfort Avenue. This strip of land appears to be in the Council's ownership but it is unclear if it is public lane. The question of the exercise of any right of way is a legal matter and outside the scope of a planning permission.
- 7.1.5 A green corridor link along this section of Chucky's River has been identified in Figure 32 in the Gorey Green Strategy included in the Gorey Town and Environs Local Area Plan 2017-2023. The Strategy has also identified separation distances for new development from rivers and their riparian zone. The principle of the structure has been established and permitted on site. I am satisfied that the development to be retained would not undermine the future provision of this green corridor link.

7.1.6 The application before the Board is for the retention of changes to the northern and southern elevations of the shed only. The applicant has outlined that the shed would not be used for commercial purposes. I am satisfied that the use of the structure can be dealt with by condition and I have no objection to the elevational changes to be retained as the development to be retained would not detract from the amenities of the area.

7.1.7 I, therefore, consider that the appeal should be upheld in relation to the Planning Authority's reason for refusal.

7.2 Appropriate Assessment

Having regard to the nature of the proposed development, the location of the site in a fully serviced built up area and distance from the nearest Natura 2000 site. No Appropriate Assessment issues arise and it is not considered that the development to be retained would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Grant permission for retention subject to the conditions as set out below

9.0 Reasons and Considerations

Having regard to the provisions of the Gorey Town and Environs Local Area Plan 2017-2023 and to the nature 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 adversely affect the residential or visual amenities of the area and would not result in a traffic hazard. The development to be retained is in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. The shed to be retained shall be used solely for purposes ancillary and incidental to the occupation of the main dwelling on the site, and shall not be used for human habitation, nor for any commercial or business purposes, and shall not be occupied, sold, let or otherwise transferred or conveyed save as part of the main dwelling on the site.

Reason: In order to restrict the use of this shed to the purposes outlined in the planning application and to protect the residential amenities of property in the vicinity.

Dáire McDevitt
Planning Inspector
26th June 2017