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Pleanála

## Inspector's Report PL15.248625

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<b>Development</b>	Permission for construction of a domestic garage/boat shed
<b>Location</b>	Willville, Carlingford, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	17/213
<b>Applicants</b>	Michael Brennan and Maria Monaghan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brendan & Paula Murray
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> August 2017
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.2 ha, is located on the northern side of a local road in the rural settlement of Willville, c. 5km to the south east of Carlingford, Co. Louth.
- 1.2. Willville generally comprises a linear settlement of detached bungalows or dormer bungalows on c. 0.5 acre sites. The appeal site is occupied by a bungalow, which has a common building line with the houses to the east. The house immediately to the west of the appeal site is set back further from the road and appears to have been vacant for a considerable time.
- 1.3. The boundaries of the appeal site comprise a mature c. 2.5m high hedgerow along the western boundary, a c. 1.8m high solid panel timber fence along the eastern boundary with a c. 2m high hedge behind it, and an open post and rail fence with recently planted low-level hedge to the north. Other houses in the vicinity generally have low boundaries of post and rail fencing and hedging to both front and rear, and enjoy expansive views towards the Cooley and Mourne Mountains to the rear. A number of houses in the vicinity have large detached garages or shed-type structures to the rear.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a domestic garage/boat shed to the rear of the existing house, in the north western corner of the site.
- 2.2. The proposed garage/boat shed is a rectangular structure with a monopitch roof. It has external dimensions of 12.4m x 7.86m, resulting in a gross floor space of 86 sq m, and a height of 4.1m on its eastern elevation which reduces to 3.1m on its western elevation. It features two roller shutter doors on its eastern elevation, and a window and door on its southern elevation. The proposed finishes are textured render for the walls and Nordmann tiled profile cladding for the roof.
- 2.3. Two existing timber sheds in the rear garden are indicated as 'to be removed'.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Louth County Council decided to grant planning permission subject to four conditions, including the following summarised condition:

- **C2:** Proposed garage/boat shed shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any industrial, business or commercial purposes.

### 3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- Principle of a domestic structure for private use within the rear garden is acceptable.
- Proposed structure is considered to be sited in such a manner as to reduce the visual impact when viewed from the public road and from neighbouring properties.
- Structure is subservient to the main dwelling in terms of its scale and footprint.
- Proposed structure meets criteria a – f inclusive of Policy SS 61.
- Existing hedge along western boundary is c. 2m high. Lower edge of roof will be 1m above the hedge, meaning that the majority of the structure will not be visible from the dwelling to the west.
- Existing dwelling to west has large ground floor gable window c. 6m from the proposed structure but there will be no significant loss of light or overshadowing.
- As a result of the solid panel fenceline and hedging along the boundary with the neighbouring dwelling to the east the proposed development will have a negligible impact on the residential amenity of that property.
- A condition shall be attached restricting the use of the proposed structure.
- Site is not located within any flood risk areas.

- Site is c. 2km from the nearest Natura 2000 site and there are no obvious pathways from the site to any Natura 2000 site.
- Proposed development is a reasonable development that complies with Policy SS61 of the CDP.

### **3.3. Other Technical Reports**

3.3.1. None.

### **3.4. Prescribed Bodies**

3.4.1. None.

### **3.5. Third Party Observations**

3.5.1. Observations were made by the appellants, Linda & PJ Halpenny, and Susan & Stephen Maguire. The issues raised in the observations are generally as per the appeal, as well as the following:

- Impact on visual and residential amenities due to overshadowing, loss of privacy and visually overbearing impact.
- Potential lighting and noise pollution.
- Concern that structure may be used as a car/boat breakers yard.
- Additional traffic movements.
- House to west of the appeal site is set back further from the road and has been vacant for a number of years. Proposed development would have a detrimental privacy and devaluation effect on that property.
- Given the prominent location of the proposed development on the entrance to Willville, it will be a potential eyesore, particularly if it is not regularly maintained.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. **ABP Ref. PL15.245792 (Reg. Ref. 15/620):** Permission refused in 2016 for the retention and completion of a partially constructed domestic garage/boat shed for one reason:

- Having regard to its large scale, bulk and massing and its location in close proximity to the adjoining residential property to the east within the residential settlement at Willville, it is considered that the development proposed to be retained and completed would be seriously detrimental to the exceptional visual character of this area, would seriously injure the visual and residential amenities of the house to the east by reason of overshadowing of the rear garden and overbearing impact, and would establish a precedent for other similar inappropriate structures within the residential settlement.

4.1.2. **Reg. Ref. 15/236:** Permission refused in 2015 for the retention and completion of a partially constructed domestic garage/boat shed for one reason:

- The proposed development by reason of its industrial design and configuration relative to the adjoining and other dwellings within the village of Willville would detract from the visual and residential amenities of the area and, if granted, would establish a precedent for other similar inappropriate domestic structures within the village setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and would be likely to result in the devaluation of adjoining residential properties.

### 4.2. Surrounding Area

4.2.1. **ABP Ref. PL15.226917 (Reg. Ref. 07/1634):** Retention permission granted for domestic garage to the rear of an existing house to the west of the appeal site.

## 5.0 Policy Context

### 5.1. Louth County Development Plan 2015 – 2021

- 5.1.1. The site is governed by the policies and provisions contained in the Louth County Development Plan 2015-2021.
- 5.1.2. The appeal site is located within the Willville settlement. Willville is designated as a Level 4 settlement in the County's settlement hierarchy and Section 2.16.8 notes that the purpose of these settlements is to assist in satisfying rural generated housing needs within a structured but low density environment as an alternative to the development of scattered one-off housing. Policy SS 10 states:
- **SS 10:** To provide for the construction of one-off type houses within Level 4 Rural Settlements in order to assist in satisfying a housing and county based local area need within a structured but low density environment as an alternative to the development of scattered one – off housing.
- 5.1.3. Section 2.19.16 of the CDP, which is contained within Section 2.19 'One-off Rural Housing Policy' provides guidance in respect of 'domestic garages/outbuildings'. Policy SS 61, contained within Section 2.19.16, states:
- **SS 61:** To accommodate new detached domestic garages and detached domestic outbuildings in the countryside only where the visual impact of the resultant additional building on the site is one where:
    - a. The design is coherent and the form is appropriate to the context of the existing dwelling,
    - b. The structure is separate from the house and sited in such a manner as to reduce visual impact,
    - c. The structure is visually subservient in terms of size, scale and bulk to the dwelling that it will serve,
    - d. The structure does not result in a poorly proportioned or intrusive form of building in the landscape,

- e. The structure does not undermine the dominance of the landscape through an unacceptable cumulative level of domestic related development at the site,
- f. The structure is used for purposes incidental to the enjoyment of the dwelling and not for any other purposes.

5.1.4. The appeal site is also located within the 'Cooley Lowlands and Coastal Area' in the Louth Landscape Character Assessment. This LCA is classified as being of local importance.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A third party appeal was made by Brendan and Paula Murray. The grounds of appeal can be summarised as follows:

- In March 2016 the Board refused permission for a building of the same scale, bulk and massing (Ref. PL15.245792).
- Building will cover 83 sq m of garden, not to mention the area needed for the concrete apron.
- On the first application by the applicants, Mr Brennan informed the appellants that the shed would also be used for the storage of commodities associated with his business.
- Mr Brennan made an application for the demolition of a dwellinghouse and construction of a new dwellinghouse in Millgrange, 2 miles from his home address (Reg. Ref. 15/781).
- Appellants were directed to this development centre by Louth County Council when considering building a house 13 years ago and chose site based on proximity to facilities and views of the Mourne and Cooley Mountains.
- Appellants built their house at the height of the boom period and the proposed development will devalue their home and make it difficult to sell.

- Development would set an undesirable precedent and lead to a proliferation of such buildings. If every house in Willville began to build such sheds the village would turn from a rural area into an urban-like industrial area.
- Two other neighbours have strongly objected to the building of the shed. They do not want the building of such a commercially sized shed as they do not know the future implications it may bring.
- Louth County Council would have difficulty monitoring the ongoing activity inside this development if it were not to be in accordance with the stated use.
- Planting to camouflage, as suggested by the Planner, is a poor substitute for sound planning judgments. Any planting would take multiple years to mature and create further mass.
- Proposed development is contrary to the Planning Authority's policy for garages and such buildings and will have a very negative visual impact for many houses in Willville.

6.1.2. The appellants also submitted copies of all observations previously made to the Planning Authority with their appeal, as well as a series of photographs taken from the rear of their property.

## 6.2. **Observations**

6.2.1. None.

## 6.3. **Applicants' Response to Appeal**

6.3.1. The applicants' response to the appeal can be summarised as follows:

- Current proposal has been redesigned and repositioned in direct response to the previous refusal by the Board. Alterations incorporated into the current proposal address the appellants' objection and the Board's previous concerns.
- Applicants own a 4m long inflatable boat, an 8m long sailboat and a camper van which are used for recreational purposes. Purpose of proposed



development is to provide secure storage, and to facilitate maintenance and repair work to the sailboat.

- Applicants do not require equipment or material associated with their business to be stored at their private residence. Only personal and private property will be stored.
- Condition 2 provides sufficient control and robust protection regarding the use of the structure.
- Applicant in planning application Reg. Ref. 15/781 was a different Michael Brennan.
- Boundary treatments have changed since previous appeal. The eastern boundary has been strengthened with a 1.8m high timber fence, with the appellants 2m high hedgerow behind. The western boundary is defined by a 2.4m high laurel hedge, and the northern boundary has recently been planted with whitethorn hedging. This results in applicants rear garden being obscured from view from the public road and from the appellants rear garden and ground floor rooms.
- Proposed garage will be 16.9m from boundary with appellants and is no longer in a position to overbear the appellants' property. Any shadow will fall within the applicants rear garden.
- Appellants have failed to indicate what means, methodology or assessment was used to determine that proposed development would devalue their property.
- L3061 is of sufficient size and specification to accommodate existing levels of traffic. The type of traffic associated with the applicants' property is domestic in nature and does not involve an excessive frequency of movement.
- Regardless of the proposed garage/boat shed, the applicants' boats and camper van will continue to be stored within the appeal site and traverse the local road network.
- Planning Authority approved the current proposal in full knowledge of the previous refusal and it can therefore be inferred that they were confident that

the current proposal satisfactorily addressed the previous Inspector's concerns.

- Proposed development complies with criteria set out in Policy SS 61 of the CDP.
- The buildings form and scale is informed by its function, to store boats. At its highest point the building will be of comparable height to the pitched roof of a shed deemed exempted development under the PDR.
- Proposed building is visually and physically subservient to the main dwelling and neighbouring dwellings. It is domestic rather than industrial in appearance and is not visually or physically intrusive.
- In refusing previous application, the Board cited concerns regarding the exceptional visual character of the area. However, the Landscape Character Assessment carried out by the Planning Authority classified the Cooley Lowlands as being of local importance. There are no protected scenic views or prospects in the area.
- Proposed development is comparable to a number of other dwellings subservient outbuildings which are varied in size, shape and function.
- Proposed development will be substantially obscured from view due to its position and boundary fences and hedges.
- Photographs are provided of other ancillary buildings in Willville most of which are more visibly intrusive. It is not clear whether the previous Board decision had cognisance of these. The Board granted permission under PL15.226917 for a metal clad industrial looking building two doors down from the appeal site.
- The issue of precedent was only relevant to the previous application. Each application must be judged on its merits. Having regard to existing ancillary structures in Willville, the proposed development will not establish a precedent.
- The rear garden will remain lawned and undeveloped as existing. Applicants have no objection to a condition requiring the removal of the timber sheds.

## 6.4. Planning Authority Response

6.4.1. No further comment to make.

## 7.0 Assessment

7.1. I consider that the key issues in determining the appeal are as follows:

- Design and layout.
- Residential and visual amenity.
- Other issues.
- Appropriate Assessment.

## 7.2. Design and Layout

7.2.1. The proposed garage/boat shed structure is relatively simple and utilitarian in its design and detailing and I consider that the use of textured render and tiled-profile cladding is compatible with the design of the existing house and preferable to the sheet metal cladding utilised in other large sheds in the vicinity. The proposed structure is aligned with its narrow side facing the road, and is located in the north western corner of the site, to the rear of the existing house. This contrasts with the previous application (ABP Ref. PL15.245792), where the structure was located in the north eastern corner of the site, to the side of the existing house and I consider that the revised location is preferable in terms of mitigating the visual impact of the structure and ensuring its subservience to the main house. The proposed structure has a monopitch roof, which reduces from 4.1m to 3.1m towards the boundary with the adjacent house to the west. It is also set back from this western boundary by c. 1m.

7.2.2. The drawings submitted with the application do not indicate any concrete or hardstanding area around the proposed structure, or any driveway access to the two roller shutter doors. The applicants, in their response to the appeal, have stated that the rear garden will remain lawned and undeveloped as existing. I consider that the cumulative effect of the large garage/boat shed and any potential hardstanding/driveway could be detrimental to visual and residential amenities, but I

noted on my site inspection that while the applicants' sailboat is currently stored on a concrete area in the north eastern corner of the site, there is no driveway access to it. Having regard to the domestic nature of the proposed use, I therefore consider that adequate access could be provided without recourse to additional hard surfaced areas or driveways.

- 7.2.3. The stated purpose of the proposed development is to provide secure storage for the applicants' inflatable boat, sailboat and camper van and to facilitate maintenance and repair work to the sailboat. The applicants have also stated that the proposed garage/boat shed will not be used for the storage of equipment or materials associated with their business. The appellants contend that it will be difficult for the Planning Authority to monitor the nature of the use of the structure. Having regard to the considerable scale of the structure and the established residential character of the area, I consider that if the Board is minded to grant permission it would be appropriate to include a condition to ensure that the structure is used for domestic purposes ancillary to the main dwellinghouse and is not used for the carrying on of any business or trade or otherwise sold or let separately from the main dwellinghouse.

### **7.3. Residential and Visual Amenity**

- 7.3.1. The houses in the vicinity of the appeal site are generally located on c. 0.5 acre sites, providing large rear gardens. This is consistent with the stated purpose of Level 4 settlements, which is to provide a structured but low density environment as an alternative to scattered one-off housing. Policy SS 10 of the Development Plan states that it is policy to provide for the construction of one-off type houses within such settlements, and I therefore consider that Section 2.19.16 of the CDP which relates to domestic garages/outbuildings associated with one-off rural housing, and the associated requirements set out in Policy SS 61 are relevant in this instance.
- 7.3.2. While the area is generally quite flat and open, the boundary planting around the appeal site has significantly matured since the time of the previous application (ABP Ref. PL15.245792). The hedge planting to the east is now c. 2m high and a c. 1.8m high fence has been erected in front of it, while the hedge to the west is now c. 2.5m high. I consider that this boundary planting serves to mitigate the visual impact of the

proposed development by significantly screening it from the public road and reducing the extent of the structure that will be visible from adjacent houses.

- 7.3.3. With regard to the potential impact on the appellants' property to the east of the appeal site, I consider that, having regard to the height of the boundary between the two properties and the c. 17m separation distance between the proposed structure and the boundary, the bulk of the proposed garage/shed will not be readily visible from the ground floor of the appellants' property, or from their rear garden. It will be visible from their first floor rooflights, but will be at a distance in excess of 40m. Having regard to these distances, and the boundary treatments, I do not consider that the proposed development will be visually intrusive or that it will result in any significant loss of sunlight/daylight, overshadowing or overbearing impacts on the appellants' property.
- 7.3.4. With regard to the vacant house to the west, this house is further set back from the road with the result that it has a relatively small rear garden. The rear elevation of the house is aligned with the front elevation of the proposed garage/boat shed and the garage/boat shed would extend along the length of its rear garden. However, having regard to the existing 2.5m high hedge, the 1m separation distance from the boundary, and the monopitch roof of the proposed garage/shed, which reduces in height to 3.1m along this boundary, I consider that no significant overshadowing would occur and that the massing and scale of the structure would not so readily apparent from that property as to result in a significant overbearing impact.
- 7.3.5. While the proposed garage/shed with its footprint of 97.5 sq m is sizable, the appeal site extends to c. 2,000 sq m and I consider it to be of sufficient size so as to be capable of absorbing the proposed development. Furthermore, the separation distance of c. 30m between the existing house and the proposed structure serves to ensure that it will not be overly dominant and remains subservient to the main house.
- 7.3.6. With regard to the wider visual impact of the proposed development and its impact on landscape character, I note that while the Willville area is scenic with expansive views to the north towards the Cooley and Mourne Mountains, it is located within the 'Cooley Lowlands and Costal Area' in the Louth Landscape Character Assessment and is classified as being of local importance. There are also no protected views or prospects in the vicinity of the appeal site. Many houses within the Willville

settlement have sizable detached shed or garage structures to the rear, in a manner which is not atypical of one-off rural housing. Having regard to the location of the proposed development within a designated rural settlement, the established pattern of development in the vicinity and the fact that the landscape character or visual amenities of the area are not identified in the County Development Plan as being of high importance, I therefore consider that the proposed development will not be seriously detrimental to the visual amenities of the area or the character of the landscape.

#### **7.4. Other Issues**

- 7.4.1. Under the terms of section 6.1 of the Louth County Council Development Contribution Scheme 2016-2021, garages and garden sheds are exempt from the requirement to pay development contributions, with the proviso that if approval is subsequently granted to convert exempt structures to separate dwelling unit and/or commercial use then the appropriate levy is applicable. Having regard to the proposed use of the garage/boat shed, I therefore consider that no development contributions are payable, should the Board be minded to grant planning permission.

#### **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, which relates to the construction of a garage/boat shed to the rear of an existing house in an established residential area outside of any Natura 2000 sites, I am satisfied that 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 planning permission should be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the location of the subject site, the pattern of development in the vicinity, and having regard to the nature of the proposed use, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not conflict with the provisions of the Louth County Development Plan 2015 – 2021, and would be acceptable in terms of traffic safety and convenience. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

## 10.0 Conditions

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. The garage/boat shed shall be used solely for non-habitable uses ancillary to the main dwellinghouse and shall not be used for the carrying out of any trade or business or sold, let or otherwise transferred or conveyed save as part of the dwelling.

**Reason:** In the interest of clarity and of residential amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no hardstanding area or driveway access to serve the garage/boat shed shall be constructed without a separate grant of planning permission.

**Reason:** In the interest of visual and residential 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.

**Reason:** In the interest of public health.

5. All hedgerows on the boundaries of the site shall be retained and maintained. Retained hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

**Reason:** In the interest of residential and visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

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Niall Haverty  
Planning Inspector

22<sup>nd</sup> August 2017