



An
Bord
Pleanála

Inspector's Report PL26.249111

Development	Retention of a domestic garage ancillary to an existing dwelling house.
Location	2 Millbrook, Gibberwell, Duncormick, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2017/0766
Applicant(s)	Shane Cummins
Type of Application	Retention permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Shane Cummins
Observer(s)	None
Date of Site Inspection	3 rd & 22 nd November 2017
Inspector	Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located 0.8 km to the south of the village of Duncormick. This site is one of four house plots that form a cluster in the countryside that lies to the east of the estuary beside Ballyteige Burrow. The surrounding countryside is in agricultural use and it is punctuated by one-off dwelling houses and farmsteads. The house plots were developed to provide two bungalows and two dormer bungalows roughly 10 years ago.
- 1.2. The site itself lies in the south western quadrant of the cluster. This site is level and rectangular in shape and it extends over an area of 0.2988 hectares. As originally developed, the site accommodates a detached dormer bungalow and a freestanding garage. (The subject garage lies immediately to the rear of this garage). This dwelling house is served by an extensive area of land largely to the west of it. Some of this area has been laid out as a gated yard to accompany the subject garage. Access to the site is from the turning head to the cluster, which in turn is off the local road network.

2.0 Proposed Development

- 2.1. The original-to-the-site garage has an area of 69 sqm. The subject garage has an area of 144 sqm. Both garages are cited to the west of the applicant's dwelling house with the original one occupying a forward position and the subject one a recessed position.
- 2.2. The proposal is to retain the subject garage as a domestic garage, the use of which would be ancillary to that of the dwelling house. This garage is composed of a larger rectangular form and a smaller rectangular form, both of which have mono-pitched roofs. The front elevation to the former form has a large roller shutter in it, a series of three windows in its rear elevation, and a single window in its eastern side elevation. The front elevation of the latter form has a pedestrian door and a window in it, while its rear and western side elevations are blank. The elevations are finished in render, which in the case of the eastern side elevation has been painted to match that of the immediately adjacent original garage. The roof is composed of corrugated metal sheeting with two strips of corrugated Perspex sheeting running through it, which provide rooflights.

3.0 Planning Authority Decision

3.1. Decision

Refusal for the following reasons:

- 1. Section 18.13.2 of the Wexford County Development Plan states that a domestic garage/store shall have a maximum floor area of 80 sqm. The existing garages on site measure over 200 sqm which is in excess of this and therefore the garage seeking retention would contravene this policy and would appear visually out of character with the scale of normal domestic garage requirements and would create undue residential dis-amenity to the neighbouring properties having regard to the adjoining dwellings in this rural cluster and the surrounding area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The information submitted in support of the application was sub-standard and inadequate in relation to the disposal of surface water on site and in relation to the accuracy of the drawings supplied to enable a full assessment of the development seeking retention and, therefore, the Planning Authority was unable to determine the application.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

See reasons for refusal.

3.2.2. Other Technical Reports

- Environmental Scientist: No objection, subject to conditions.
- Surface Water Drainage Technician: No objection, subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

- 2006/0722: Erection of 4 fully services dwelling houses, domestic garages, and associate site works: Permitted and implemented.
- 001/2015: Enforcement enquiry re. unauthorised spraying/commercial premises.
- 2015/0246: Retention of a workshop: Refused on the grounds that the auto-body repair operation unduly affects residential amenity, in terms of use, noise, traffic, and waste generation, failure to demonstrate that surface water run-off would not significantly affect the Ballyteige Burrow SAC, and failure to demonstrate that the site can be satisfactorily serviced in terms of effluent generated, surface water disposal, and water provision.

5.0 Policy Context

5.1. Development Plan

Section 18.13.2 of the Wexford County Development Plan 2013 – 2019 (CDP) states the following:

The development of a domestic garage/store for use ancillary to the enjoyment of the dwelling house will be considered subject to the following standards:

- *The garage/store shall have a maximum floor area of 80 sqm and a maximum height of 5m.*
- *The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.*
- *The garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house.*

The Council may consider exceptions to these criteria having regard to the need for the development and the characteristics of the site.

5.2. **Natural Heritage Designations**

Ballyteige Burrow SPA (004020)

Ballyteige Burrow SAC and NHA (site code 004020)

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The garage would be used to store the applicant's collection of vintage cars and so it would be used on an ancillary basis to that of his adjacent dwelling house.
- The bulk of the garage would be screened by the other garage on the site.
- No additional traffic movements would be generated through the surrounding residential cluster.
- Surface water would be drained by means of an existing land drain in adjoining land.

6.2. **Planning Authority Response**

- Concerns expressed in the Planning Authority's draft reasons for refusal are reiterated.

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that the application/appeal should be assessed under the following headings:

- (i) Use,
- (ii) Traffic,
- (iii) Residential amenity,
- (iv) Visual amenity,
- (iv) Water, and

(v) AA.

(i) Use

- 7.2. The applicant's proposal seeks the retention of the subject garage as a domestic garage, which would be used on an ancillary basis to his adjacent dwelling house. He has elucidated this use at the appeal stage by stating that he wishes to store his collection of vintage cars in this garage.
- 7.3. The planning history of the site indicates that the subject garage was previously refused permission for retention as a workshop (application 2015/0246), which was described as an auto-body repair operation.
- 7.4. The applicant has now applied for the retention of the subject garage as a domestic garage and that he wishes to store his collection of vintage cars therein. During my site visit, I inspected the inside of this garage and the adjoining gated yard area. I also inspected the driveway/parking area that adjoins the applicant's dwelling house. I observed that there was the body of a car and a car within the garage and a further 2 cars, a van, and a horse box parked within the yard, along with 2 steel containers. Additionally, there were 3 cars parked beside the dwelling house. I observed, too, that inside the garage there was a workbench, tools, and a painting cubicle/machine.
- 7.5. Vintage cars are commonly regarded as being ones that date from the period 1919 – 1930. None of the cars that I observed on the site were of this type. Instead they were of more recent origin. The evidence of the items both in the garage and within the surrounding yard suggests that the subject garage is not being used as a domestic garage on an ancillary basis to that of the applicant's dwelling house.
- 7.6. Section 18.13.2 of the CDP sets out a three-fold criteria for assessing garage proposals. The third criterion states that they should be used for purposes ancillary to the enjoyment of the dwelling house, unless exceptional circumstances pertain. The current proposal would not meet this criterion and I am not aware of any exceptional circumstances that would justify a departure from it.
- 7.7. I conclude that, notwithstanding the description of the proposal, the subject garage is not presently being used as a domestic one on an ancillary basis to the enjoyment of the adjacent dwelling house as such.

(ii) Traffic

- 7.8. During my site visit I observed 7 vehicles on the site along with 1 vehicle body in the subject garage. The applicant's dwelling house is a dormer bungalow. The plans of this bungalow, submitted as part of application 2006/0722, show this dwelling house as having four bedrooms. Notwithstanding the size of this dwelling house, the number of vehicles in attendance at the site is considerably greater than the number that I would expect to see at a family residence. Thus, *prima facie* the traffic movements to and from the site associated with these numbers of vehicles would be greater than those that would be generated by the site if it was simply in residential use.
- 7.9. I conclude that the number of vehicles in attendance at the site indicates that the traffic generated by the site at present is greater than that which would be generated by solely the residential use of the same.

(iii) Residential amenity

- 7.10. Given my discussion of the use of the subject garage and the associated traffic profile of the site and given, too, the location of the site in a small cluster of dwelling houses, I am concerned that the continuing use of this garage as a vehicle workshop would have a range of environmental impacts that would adversely affect the residential amenities of neighbouring dwelling houses. Typically, such impacts would include noise and general disturbance, vibrations, fumes, and light spillage. Consequently, vehicle workshops are normally classified as being a general industrial use rather than a light industrial use, which would be compatible with the amenities of a residential area. While the site lies within a wider rural area, its immediate context is shaped by the fact that it forms part of a residential cluster and so I do not consider it unreasonable for weight to be given to the residential amenities of the neighbouring properties in this cluster and adjacent ones along the nearby local road network.
- 7.11. I note that the use of the subject garage has been the subject of an enforcement enquiry (001/2015), which alleged that it was being used for unauthorised spraying as a commercial premises. This enquiry is still live.
- 7.12. I conclude that the use of the subject garage is one that would not ordinarily be deemed to be compatible with the amenities of a residential area.

(iv) Visual amenity

- 7.13. The subject garage has been constructed in a position immediately to the rear of the original-to-the-site garage in the western half of the site. This garage extends westwards beyond the rear elevation of the original garage. It is composed of two rectangular forms, larger and smaller ones, and it is of utilitarian design and appearance.
- 7.14. The subject garage has an area of 144 sqm, compared to the original garage's 69 sqm. This garage has a shallow mono-pitched roof which slopes in a southerly direction. The height of its larger form runs from 4.9m to 4.3m and the height of its smaller form runs from 4.2m to 3.8m. The original garage has a double pitched roof with ridge and eaves heights of 5.5m and 2.7m, respectively.
- 7.15. The juxtaposition of the two garages is such that the original one largely conceals views of the subject one from public vantage points along the cul-de-sac that serves the residential cluster. Clearer views are, however, available from the residential property, which adjoins the site to the north, and through gateways and gaps in the hedgerows to surrounding fields that abut the local road network.
- 7.16. The first and second criteria set out in the aforementioned Section 18.13.2 of the CDP states that the maximum floor area of a domestic garage should be 80 sqm and the design and finishes of such garages should be in keeping with that of the adjacent dwelling house. Whereas the original garage would meet these criteria, the subject one departs from them, both in terms of its area and its design and finishes.
- 7.17. I conclude that the subject garage is not compatible with the visual amenities of the area.

(v) Water

- 7.18. The subject garage does not appear to be served by rainwater goods. While I did not observe any water supply to this garage, the adjoining yard has an external tap that is mounted on the western elevation of the original garage.
- 7.19. The applicant states that surface water drains to an existing land drain in adjoining land. However, no details of these drains have been provided and the risk of water run-off containing pollutants does not appear to have been addressed.

7.20. The CDP's SFRA shows the site as lying within Zone C and so it is not the subject of any identified flood risk. Likewise, the OPW's flood maps website does not show any recorded flood events within the vicinity of the site.

7.21. I, therefore, conclude that insufficient information has been submitted, with respect to drainage arrangements for the subject garage, and the risk of pollution has not been addressed.

(vi) AA

7.22. The site does not lie within a Natura 2000 Site. However, the estuary to the west is designated as Ballyteige Burrow SAC and SPA. In the absence of details of the drainage arrangements for the site, I am unable to address the question as to whether any source/pathway/receptor route lies between the site and this SAC and SPA.

7.23. I, therefore, conclude that insufficient information is available to enable a Stage 1 AA Screening to be completed.

8.0 Recommendation

8.1. That the proposal be refused.

9.0 Reasons and Considerations

1. The use of the garage proposed for retention is not that of a domestic use that would be ancillary to the enjoyment of the adjacent dwelling house as such. Consequently, this use contravenes Section 18.13.2 of the Wexford County Development Plan 2013 – 2019. Rather, on the basis of the design and layout of this garage, the equipment contained within it, and the number of vehicles and containers in attendance either in it or in the adjoining gated yard, the Board concludes its use is that of a vehicle workshop. The impact of this use, and the traffic which it generates, in terms of noise and general disturbance, vibrations, fumes, and light spillage, is seriously injurious to the amenities of residential properties in the vicinity of the site and, as such, it is contrary to the proper planning and sustainable development of the area.

2. Due to its excessive size and utilitarian design and appearance, which is out of keeping with the adjacent dwelling house, the garage contravenes Section 18.13.2 of the Wexford County Development Plan 2013 – 2019 and is seriously injurious to the visual amenities of the area and, as such, it is contrary to the proper planning and sustainable development of the area.
3. The submitted application provides insufficient information on the drainage arrangements for the garage and any associated pollution mitigation measures. The site lies within the vicinity of the Ballyteige Burrow SAC and SPA. In these circumstances, the applicant has not demonstrated that the said drainage arrangements would be satisfactory and the Board is not in a position to complete a Stage 1 Appropriate Assessment Screening of the proposal.

Hugh D. Morrison
Planning Inspector

24th November 2017