



An  
Bord  
Pleanála

## Inspector's Report PL 27.249252

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<b>Development</b>	Replacement of pump house and store room with shed
<b>Location</b>	Ballinvaly Lower, Arklow, County Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	17/840
<b>Applicant(s)</b>	Julian Karra
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Julian Karra
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> November, 2017
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The site of the proposed development is located in a rural area with frontage onto a local road, approximately 6km north-west of Arklow in County Wicklow. There is a dwelling on the site and a shed under construction and nearing completion along the west side of the site and to the rear of the house. The centre part of the structure is being used as a gym. There is extensive ribbon development east, west and south of the site.

## **2.0 Proposed Development**

2.1. The proposed development consists of the replacement of a pump house and store room that was permitted under Planning Permission Ref. 17/263 with a shed that would incorporate a pump house, garden store, and a family exercise area. The floor area of the proposed single-storey structure would be 85 square metres, located on a site of 0.22 hectares. The external walls of the building would be finished in plastered concrete block and the roof would be finished in concrete roof tiles.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 28<sup>th</sup> August, 2017, Wicklow County Council decided to refuse permission for the development for one reason relating to the excessive scale of the development, it not being ancillary to the existing dwelling, and due to its visual obtrusiveness.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted that the permitted pump house/garden shed was 26.25 square metres in area and 4.2 metres high. It was noted that the proposed development was already under construction and was built up to lintel level and it was submitted that the development description was, therefore, incorrect and misleading. It was considered that the justification for a domestic structure of the size proposed, to the front of the house, on an elevated and exposed location is unsatisfactory. It was

further considered that it would read as a third accommodation unit on the site, having regard to the existing self-catering unit on the site. A refusal of permission was recommended.

## 4.0 Planning History

### P.A. Ref. 17/263

Permission was granted by the planning authority for the replacement of a pump house with a garden shed incorporating a pump house.

### P.A. Ref. 15/1093

Permission was granted for the replacement of an effluent treatment system with a new treatment system.

## 5.0 The Appeal

### 5.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- A brief history is provided on the applicant, his needs, and the development at the property to date.
- The size of the shed is required to make provisions for the applicant's needs. When viewed from the east, it blends into the hillside. Dwellings and outbuildings to the west are at a much higher level.
- The compartment on the west side is the replacement of the existing garden shed. The compartment on the east side replaces the old pump house and shall be used for storage of garden tools. The area in the middle will provide for a games area.
- The shed is located at the back of the house. The ground rises further west.
- The proposal is not excessive in size to meet the applicant's needs and is small compared to the dwelling on the site and other dwellings in the area. Furthermore, it does not look like living accommodation.

The appeal submission includes a hospital letter regarding the applicant's father's health, a doctor's letter relating to the applicant's health and letters of support for the development.

## 5.2. **Planning Authority Response**

The planning authority submitted that the issues raised in the appeal have been dealt with in the planning report.

## 6.0 **Assessment**

- 6.1. I first note that the proposed development is under construction, nearing completion, and that the development described in public notices and illustrated in submitted drawings does not indicate the retention component of the proposed development. In the event of a consideration of a grant of permission, new public notices and revised drawings are required in accordance with the appropriate provisions of the Planning and Development Regulations prior to the issuing of any decision.
- 6.2. The proposed development constitutes a structure that would be ancillary to the use of the established dwelling on the site, based on the details provided in this application. The applicant has sufficiently described the need for the structure and its clear intended function. The prohibition of the use of such a structure for habitable purposes can be safeguarded by the attachment of a condition with a grant of permission requiring same.
- 6.3. I note that the proposed structure is sited to the rear of the existing house and not to the front. The southern gable of the existing house faces the adjoining public road. I further note the topographical characteristics of the site and adjoining lands. The land rises to the rear of the existing house and the proposed structure is located on lands more elevated than the house. The appellant has submitted that the floor level of the structure is 3.55m higher than the ground floor of the existing house and that the ridge height is 300mm higher than that of the house. Over and above this, I note that the land rises beyond this to the west and that there are other houses and outbuildings on more elevated lands in the immediate vicinity of this site. There is

also extensive boundary hedgerow along this flank of the site. The Board will also note the extent of residential development in the immediate vicinity of this site.

- 6.4. Having regard to the above, it is my submission that the proposed development would present itself within the local environment as part of a complex of structures and, in itself, would not be overtly obtrusive in the local landscape due to the natural landscape and man-made structures that prevail.
- 6.5. In conclusion, I am satisfied the applicant has provided adequate justification for the development arising from his particular personal health and well-being needs, that the uses intended require the scale of development proposed, and that the proposed development would not, in itself, constitute a significant intrusive structure at this location. Furthermore, having regard to the proposed form and function of the structure, I am satisfied to conclude that the proposal would not set an undesirable precedent for similar development in the area.

## **7.0 Recommendation**

7.1 I consider that the proposed development would be acceptable in terms of visual impact and would constitute an acceptable structure ancillary to the use of the existing dwelling on the site. However, I note that the structure is under construction, nearing completion, and that new public notices are required to accurately describe the nature and extent of the development in accordance with the requirements of Articles 18 and 19 of the Planning and Development Regulations. Such revised notices should accurately describe the development as 'retention and completion of the replacement of a permitted pump house and store room, granted under Planning Permission 17/263, with a structure incorporating a pump house, garden store, and a family exercise area'. Furthermore, accurate drawings should be submitted to indicate that which is being retained and the remainder of the new development to be constructed in accordance with Article 23.

7.2 In the event that the Board seeks to determine the application further to the satisfactory receipt of the above necessary information, I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

## **8.0 Reasons and Considerations**

Having regard to the small scale of the proposed building, its siting to the rear of the existing house on the site, to the elevated nature of land and structures to the rear of the proposed structure and existing natural screening to minimise its visibility, it is considered that the proposed development would be acceptable in terms of visual impact and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1. The structure shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used as separate, independent residential accommodation or for the carrying on of any trade or business.

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

2. 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.

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Kevin Moore  
Senior Planning Inspector

23<sup>rd</sup> November 2017