



An  
Bord  
Pleanála

## Inspector's Report PL08.249343

---

<b>Development</b>	Retain garage/stores and associated site works.
<b>Location</b>	School Road, Callinafercey East, Milltown, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	17/340
<b>Applicant</b>	Janice Hopgood
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Split decision
<b>Type of Appeal</b>	1 <sup>st</sup> v. Split decision
<b>Appellant</b>	Janice Hopgood
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22/11/17
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.51 hectares, is within the townland of Callinafercey East c. 3.25 km to the west of Milltown. The site is accessed via a narrow local road off the N70 national secondary road. The local road cannot facilitate two way vehicular movements in the vicinity of the site and is elevated above the adjoining lands. The area is characterised by sporadic one off housing. There is a dwelling 60 metres to the south-west with a dilapidated cottage c. 60 metres to the north-east. There is a further dwelling on the opposite side of the road. The appeal site is lower than the road with a single storey dwelling in the north-eastern corner. It is currently served by one access with a 2<sup>nd</sup> in the north-eastern corner noted to be fenced off. The structures to which the application refers are located immediately to the rear of an existing shed in the centre of the site which is used for storage purposes. The curtilage of the house and shed are used for storage of machinery, cars etc. The lands to the south-east of the site were noted to be flooded.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 18/04/17 with further details submitted 20/06/17 and 10/08/17 following a further information request dated 09/06/17 and clarification of further information request dated 13/07/17

Permission is being sought to retain and complete two storage sheds.

- Shed No.1 immediately to the rear of the existing shed has a ground floor area of 81.9 sq.m. to be used as a garage with 1st floor storage of 46.8 sq.m.
- Shed No.2 has a ground floor area of 54.9 sq.m. again to be used as a garage with 1st floor storage of 36 sq.m.

Both sheds have a ridge height of 5.5 metres with metal doors to the front elevation. The roofs are to have a slate finish. Windows are proposed at 1st floor level in both the front and rear elevations.

The existing farm building has been in place since 1965 and is used for storage. The proposed garages/stores are to be used for storage of machinery and vehicles including agricultural machinery and fuel.

Correspondence from the applicant received 02/06/17 following the objection received by the planning authority states that the 1st floor windows would be closed up to address concerns about overlooking.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to grant permission for the larger shed (north-western unit) subject to 2 conditions including precluding the use of the 1<sup>st</sup> floor for storage purposes, removal of stairs and restricting the use of the garage/store to domestic purposes.

The planning authority decided to refuse permission for the smaller shed (south-eastern unit) on the grounds that coupled with the existing and permitted garage/store it would constitute overdevelopment of the rural residential site where no need for domestic garage/storage of this scale has been demonstrated. The proposal would therefore injure the residential amenities of property in the vicinity and would set an unwanted precedent for similar developments.

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

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

The planning report dated 29/08/17 includes EIA and AA Screening assessments. Visual impact is not considered to be an issue. The site is well screened and is not overly visible outside of the general area. A new proposed vehicular entrance has adequate sight distances and is better than the existing entrance to the site. It is considered that the two garages/stores, taken in conjunction with the existing garage, would be excessive and would result in overdevelopment of the rural residential site. The need/use of the development has not been explained satisfactorily. It would set an unacceptable precedent. Permission to retain one structure, only, is recommended.

### 3.2.2. Other Technical Reports

None

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

An objection to the proposal received by the planning authority has been forwarded to the Board for its information. The issues raised relate to overlooking of adjoining property.

A representation by Michael Healy-Rae TD on the applicant's behalf was made to the planning authority.

## 4.0 **Planning History**

I am not aware of any previous planning applications on the site.

## 5.0 **Policy Context**

### 5.1. **Kerry County Development Plan**

The site is within an area designated Rural General.

As per Section 3.3.2.1 of the plan these areas constitute the least sensitive landscapes in the County and from a visual impact point of view have the ability to absorb a moderate amount of development without significantly altering their character.

### 5.2. **Natural Heritage Designations**

None in the vicinity

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The 1<sup>st</sup> party appeal can be summarised as follows:

- Clear and concise reasons for the need for the structure were provided. It is to be primarily for agricultural use. The holding is over 6 acres and requires regular maintenance. It would also be used for storing fuel.
- The other shed which secured permission is earmarked for domestic vehicles.
- The sheds are needed to secure their property against theft.
- The lands can accommodate the sheds. Other properties in the area have more buildings on their sites. The site is bounded by mature trees.
- The shed refused permission is positioned behind that which secured permission and is barely visible from outside the site.
- The windows cannot be seen from any property. Without the windows there would be no natural light.
- The approved driveway is to be used for access.

### 6.2. Planning Authority Response

None

### 6.3. Observations

None

## 7.0 Assessment

- 7.1. I consider that the substantive issue arising is the acceptability of the quantum of storage space being provided in the two sheds for which permission is being sought to retain and complete. Notwithstanding the planning authority's notification of decision to issue a split decision the proposed development in its entirety is before the Board for assessment de novo.

As noted on day of inspection there is a large storage shed already on the site which is being used for storage of furniture and other elements ancillary to the main dwelling. Whilst the site area is stated to be 0.6 hectares on the planning application form I note that it forms part of the applicant's larger holding which is in the region of 2.5 hectares stretching south-eastwards away from the road.

The applicant states that the sheds are to be used for agricultural and domestic purposes although the planning authority did not appear to accept the veracity of her claim. I consider that the applicant has provided sufficient information in this regard and I see no reason to query the purpose of the sheds further. A condition stipulating the approved uses could be attached to a grant of permission in the interests of clarity.

There are no strictures set out in the current County Development Plan in terms of the extent of storage that may be provided and I submit that the central concern is the adequacy of the site to accommodate the proposal and its impact on amenities of adjoining property and the area.

The structures as constructed to date are largely in line with the plans and drawings received by the planning authority on the 18/04/17 and, working from same, the floor area proposed in the two equates to in the region of 200 sq.m. The said plans clearly delineate storage at 1<sup>st</sup> floor level accessed by stairs. As noted on day of inspection the window openings at 1<sup>st</sup> floor level have been installed (both to the front and rear elevations) while the timber joists are suggestive of plans to lay floors at 1<sup>st</sup> floor level. I am therefore unclear as to the basis of the applicant's contention that the garage would not have a 1<sup>st</sup> floor. I do note, however, that revised plans of the smaller shed which accompany her appeal submission omit the 1<sup>st</sup> floor level and the windows serving same.

I consider that the sheds, positioned to the rear of the existing shed, within the larger holding can be accommodated without concerns in terms of overdevelopment of the site. The layout and number of sheds would not be an uncommon feature in agricultural yards in such rural areas.

As noted on day of inspection by reason of the vegetation along the site boundaries the sheds are largely screened from view save from the south-west when travelling northwards along the local road. The site, whilst having an innate rural quality, is

not within an area designated as a high value landscape in the current County Development Plan. In my opinion the said garages would not represent a level of visual intrusion over that as currently exists as to raise substantive concerns that would justify their reduction or removal.

In principle I have no objection to the provision of 1<sup>st</sup> floor storage however I would share the concerns regarding the window openings to serve same in terms of perceptions of overlooking of adjoining property especially that to the south-west. I note that a dwelling is to be built on the lands immediately to the north-east along which there is a mature boundary. I also consider that the extent of the openings to be excessive in the context of what the structures are to be used for. Whilst I note that the existing shed on the site has 1<sup>st</sup> floor windows I do not consider that it should set a precedent for replication of such an arrangement. I recommend that the said 1<sup>st</sup> floor windows be blocked up. A timeframe within which such works are to be carried out is also recommended.

Reference is made by both the applicant and the Local Authority planner to a new entrance from the local road which will serve the access the site. This is not the subject of the application before the Board. A condition clarifying the nature and extent of the development subject of the permission is recommended as a consequence.

## **7.2. Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European Site 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.

## **7.3. Other Matters**

I draw the Board's attention to the fact that the Local Authority Planner's Report on this case includes a formal EIA Screening. In my view such a screening exercise (formal EIA determination) is not warranted for a proposed development of such minor significance and has no legal basis. The proposal for two garages/stores, as described, on a site of 0.6 hectares in a rural area, is not a class of development for EIA and, therefore, cannot constitute sub-threshold development.

## 8.0 Recommendation

- 8.1. I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the nature and extent of the garages/stores to be retained and completed, their location within the site and to the pattern of development in the area, it is considered that the development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would, therefore, be accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application received by the planning authority on the 18<sup>th</sup> day of April, 2017, as amended by the further plans and particulars submitted on the 20<sup>th</sup> day of June 2017 and the 10<sup>th</sup> day of August, 2017, 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 development to which this permission refers is as detailed in green on the site layout plan received by the planning authority on the 18<sup>th</sup> day of April, 2017, only, and does not refer to any other structure or works on the overall site.

**Reason:** In the interest of clarity.



3. The garage/store structures hereby permitted shall be used as private domestic garage/stores solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for human habitation, commercial, trade or industrial purposes.

**Reason:** To restrict the use of the garage/store structures in the interest of residential amenity

4. The first floor windows in the north-eastern (front) and south-western (rear) elevations shall be blocked up within three months from the date of this order.

**Reason:** In the interest of preserving the amenities of adjoining property.

---

**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**December, 2017**