



An
Bord
Pleanála

Inspector's Report ABP-300011-17

Development	Construct a domestic store and associated site works.
Location	Curraghlaher, Lecarrow, Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	17243
Applicant(s)	Michael Toohey & Maeve Kelly
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First & Third Party
Appellant(s)	1. Michael Toohey & Maeve Kelly 2. Anthony & Nuala Commins
Observer(s)	None
Date of Site Inspection	12 th January 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Curraghlaher to the south of Co. Roscommon approximately 13km south-east of Roscommon town and 3km west of Lough Ree. The site forms part of a cluster of approximately 10 dwellings located at the southern end of the village of Lecarrow, which is situated immediately east of the N61 National Secondary Route.
- 1.2. The site is occupied by a detached single storey dwelling set back from the road a distance of approximately 18m. There is mature landscaping throughout the site and hedgerow extends along lateral and rear boundaries. The stated area of the site is given as 0.201 hectare and the garden depth is approximately 33m. Garden levels slope down to the rear by approximately 2m. There is a detached dwelling to the north of the site and open fields to the south.

2.0 Proposed Development

- 2.1. Planning permission is sought for a domestic store and associated site works. The store, as applied for, will be situated along the north-western site boundary and will have an area of 44 sq.m. and ridge height of 4.58m. The structure will have a 'P' shaped layout with lean-to roof at one end and a 3-facet projecting window at the other end.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Roscommon County Council issued notification of decision to grant permission for the proposed development (as amended by further information).
- 3.1.2. Condition 2 attached to the Council's decision requires the domestic store to be relocated 1m to the south-west and a minimum of 1m from the boundary located immediately to the north-west. Other conditions are attached relating to external finishes, retention of landscaping and use of the structure.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the Planner's Report is consistent with the decision of the Planning Authority.
- 3.2.2. The Planning Authority considered that the original proposal represents an inappropriate form for a domestic store and revised proposals were sought as further information. The applicant was also asked to clarify the purpose of the domestic store having regard to its compartmentalised layout and inclusion of features associated with a conservatory.
- 3.2.3. The impact of the store on and amenities of adjacent residents by reason of proximity to the party boundary with the adjacent property, and to the inappropriate form and height and potential for overshadowing were concerns of the Planning Authority, and it was advised that an amended proposal should include a relocation of the store.
- 3.2.4. The revised proposals include a reduction in floor area by 10 sq.m. and roof height by 0.78 sq.m. and a simplification of design. The structure has also been relocated 4m towards the rear of the site and 0.6m away from the boundary. The Planning Authority are satisfied with these amendments subject to conditions.

4.0 Planning History

Roscommon County Council Reg. Ref: 00/752

- 4.1. Permission granted to Michael & Maeve Santorinios for a house and septic tank in July 2000.

5.0 Policy Context

5.1. Roscommon County Development Plan, 2014-2020

- 5.1.1. The appeal site is located in a rural area outside of the Lecarrow village core. Development management guidelines and standards for rural siting and design are set out in Section 9.5 of the Development Plan.

5.2. Natural Heritage Designations

5.2.1. The Lough Ree SAC is approximately 1km north-east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal against Conditions 2 and 6 and a third party appeal against the Council's decision were submitted to the Board. The grounds of appeal and main points raised in each submission can be summarised as follows:

First Party

- Relocating the domestic store 1m to the rear will increase visual impact and distance from the house. Existing patio will also have to be extended.
- Relocating the domestic store 1m from the north-western boundary will restrict applicant's ability to use the total area of their lands and creates a larger area between the boundary line and new development that is difficult to maintain. Will also restrict view and reduce light to windows of dwelling.
- 155m of laurel hedging has been planted in accordance with original planning approval – 3 trees must be removed as they are too close to the dwelling.
- Laurel hedging is not a suitable shrub to use in the vicinity of new development due to its vigorous growth.
- It is proposed to replace a section of laurel to the north-west of the proposed development with a more suitable climbing scrub. Green plastic chain-link fence is also proposed to support the growth of these plants and this will comply with conditions of parent permission.
- Green screen along north-west of proposed development will be provided during construction.

Third Party

- Appellants object to the design, location and height of the proposed structure, which will have a significant shadowing and visual impact on their site. Effective height is 5.5m above local ground level due to fall in topology.

- Eaves height is unnecessarily high being level with the eaves of the applicant's house.
- Length of the proposed structure (9.35m) combined with applicant's dwelling will result in development of approximately 24m along boundary.
- Separation between the proposed structure and boundary is not sufficient for construction, maintenance, etc.
- Excavation of foundations may undermine appellant's property.
- Structure should be 1m below the level of applicant's property and should be moved 4-5m towards back of garden.
- No attempt made to construct in sympathy with local ground levels.
- Location on opposite side of site would put structure closer to rear door and driveway.
- No objection to appropriate low level structure typical of the design used for many fuel stores in the area.

6.2. Applicant Response

6.2.1. The applicant submitted the following comments in response to the third party appeal:

- Shadow of existing dwelling will render the shadow created by the proposed development minimal.
- Roof apex is 3.4m away from the boundary line, not as illustrated by appellant.
- Eaves and gable is designed to blend within the existing house and to reduce the impact created by the proposed development.
- Roof shape and finishes match that of the existing house.
- Length of the structure can be further reduced by moving it to the north-east by 1m, leaving the front wall of the new development in line with the back wall of the dwelling.

- Structure will be safety constructed by qualified trades persons and north-western wall can be adequately maintained by 600mm gap to boundary.
- Site layout map clearly indicates that the distance from the store wall to the boundary line to the north-west is 600mm.
- Applicant suggests to the Board that Condition 2 be set aside in favour of the location depicted on Drawing Sheets 4 & 7 or by moving it 1m closer to the existing house.

7.0 **Assessment**

7.1. In my opinion, this appeal should be assessed under the following:

- Development principle;
- Impact on adjoining residential amenities;
- Landscaping;
- Appropriate Assessment

7.2. **Development Principle**

- 7.2.1. The proposal for a domestic store to the rear of an established residential property is acceptable in principle.
- 7.2.2. It should be noted that under Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), the construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure is exempted development subject to certain conditions and limitations. The structure shall not exceed 25 sq.m. in area and 4m in height in the case of a building with a tiled or slated pitched roof to be exempted, and the external finishes shall match those of the existing dwelling.
- 7.2.3. The proposed structure, as amended at further information stage, will have an area of 33.85 sq.m. and a height above ground level of between 4.59m and 5.3m. It may therefore be appropriate to assess aspects of the proposal that are in excess of exempted development regulations.

7.3. Impact on adjoining residential amenities

- 7.3.1. The third party appellant objects to the design, location and height of the proposed structure. It is considered that the proposed development will have a significant shadowing and visual impact on their site and that the eaves height is unnecessarily high. The appellant also submits that no attempt has been made to construct the development in sympathy with local ground levels and that the effective height is 5.5m above local ground level to the rear due to fall in topology.
- 7.3.2. The eaves height of the proposed development will be 2.6m at its north-eastern end, increasing to 3.3m to the rear owing to the fall in garden level. However, it should be noted that in theory it would be possible to build a garden structure of 3m in height above ground level up to the site boundary under exempted development provisions. In my opinion, the proposal as amended by further information, with set back from boundary of 600mm, would have a similar impact to an exempted structure on adjoining residential amenity. Furthermore, the highest point of the proposed structure will sit approximately 3.6m back from the boundary, with the roof having a slope of approximately 30 degrees. In my view, there will be no significant overshadowing of adjoining property and the visual impact of the structure will be negligible.
- 7.3.3. A condition is attached to the Council's decision which requires the relocation of the domestic store by 1m to the south-west and a minimum of 1m from the boundary located to the north-west. The applicant has submitted a first party appeal against this condition on the basis that it will increase the distance from the house and associated visual impact of the structure. It is also stated that the 1m set back from the boundary will create a larger area that is difficult to maintain.
- 7.3.4. I would be in agreement with the first party that a setback of 1m from the boundary is unnecessary in this case. A 600mm set back provides sufficient space to the side of the structure for planting/ maintenance and minimises the amount of dead space. I do consider that it is necessary to emphasise that no part of the structure should be closer than 600mm to the boundary including eaves.
- 7.3.5. The first party proposes that the building could be constructed in line with the rear boundary of the dwelling. However, I consider that this would leave insufficient space for side access.

7.3.6. Having regard to the above, I consider that the proposed development should be permitted as amended by further information drawings and that Condition 2 attached to the Council's decision should be omitted.

7.4. Landscaping

- 7.4.1. The first party has also appealed Condition 6 of the Council's decision which states that existing hedgerows, trees and shrubs on site shall be preserved to protect the rural character of the area. Condition 7 of the parent permission (Reg. Ref: 00/752) required the developer to implement a planting scheme on the site to include a screen belt of trees/ hedgerow indigenous to the area along the lateral and rear site boundaries.
- 7.4.2. The applicant proposes to replace 3 no. trees located in close proximity to the dwelling, as well as a section of the laurel hedge to the north-west of the proposed development with a climbing shrub. It is also proposed to erect a green plastic coated chain link fence to support growth and to control these plants. It is considered by the applicant that this will meet the requirements of Condition 7 of the parent permission and facilitate the ongoing maintenance of the hedge.
- 7.4.3. In my opinion, it may be difficult in this case to preserve existing planted boundaries when constructing the proposed development. However, I would also have some concern that planting along this boundary will be overshadowed for large parts of the day/ year. Therefore, I propose that Condition 6 is replaced with a standard landscaping condition requiring the applicant to replace any plants which die or are damaged or diseased along this boundary upon completion of the proposed development.
- 7.4.4. The applicant points out that it was a requirement under the planning permission for the adjoining property to the north-west to also provide indigenous hedgerow along lateral boundaries. It appeared from my site visit that the existing hedge along the north-western boundary of the site is situated for the most part within the applicant's property. Therefore, it would seem reasonable that any hedgerow fulfilling the requirements of planning conditions is centred on the boundary.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the 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. It is considered that the proposed development should be granted for the reasons and considerations hereunder.

9.0 **Reasons and Considerations**

Having regard to the design, layout and small scale of the proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity. The development would, therefore, be in accordance with 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, as amended by the further plans and particulars submitted on the 23rd 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 interests of clarity.

2. No part of the proposed structure shall be closer than 600mm to the north-western site boundary.

Reason: In the interests of visual amenity.

3. The external finishes of the proposed structure (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The proposed shed/ store shall be for purposes solely incidental to the use and enjoyment of the dwelling and shall not be used for any commercial purposes or human habitation.

Reason: In the interests of orderly development.

5. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. All surface water run-off from the proposed development shall be collected and disposed of within the site to the requirements of the Planning Authority.

Reason: In the interests of orderly development.

Donal Donnelly
Planning Inspector

19th January 2018