



An
Bord
Pleanála

Inspector's Report ABP300205-17

Development	Erect garden room
Location	'Deansgate', Dublin Road, Arklow, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1073
Applicant(s)	S. Dillon
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Pat Ivory
Observer(s)	None
Date of Site Inspection	23 February 2018
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.08ha and is located on the R750/Dublin Road between Arklow town centre and a junction with the M11. There was a short area of undeveloped road frontage between a Topaz service station to the southeast and the nearest ribbon of residential development to the northwest; this has now been largely filled by the recently constructed house on the application site and the third-party appellant's house immediately adjoining to the southeast. The public road serving the site is relatively straight at this point with good sightlines, however there is a solid white median line and a noticeable slope downwards toward the town centre. The speed limit on the road is 50kph reflecting the mix of community, residential and commercial uses stretching north towards the junction with M11.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of 11m² garden shed to the side of Deansgate, Dublin Road, Arklow, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to two conditions. Condition 2 requires the developer to ensure that surface water does not flow to the public road or to adjoining sites.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission.

3.2.2. Other Technical Reports:

3.2.3. There are no additional reports.

3.3. **Prescribed Bodies**

3.4. There are no submissions from prescribed bodies.

3.5. **Third Party Observations**

3.6. A submission was received making, generally, similar points as raised in the current appeal.

4.0 **Planning History**

Permission was granted for the existing house on the application site under reference 05/610050.

A permission was granted for a house on the adjoining site to Patrick Ivory under 12/610018.

5.0 **Policy Context**

5.1. **Development Plan**

The site is zoned 'existing residential' in the Arklow Town and Environs Development Plan 2011-2017.

5.2. **Natural Heritage Designations**

See AA section below.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The extension is located on made ground which may cause subsidence.
- Surface water will not be treated properly on site.

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- The colour/design of the proposed development is out of character with the existing house on site.



- The garden room is of lightweight construction and will not lead to subsidence.
- Surface water will be disposed of on site as the planning authority will not permit surface water to drain into the existing combined sewer.
- The development is a modern garden room designed to fit alongside the existing house.

6.4.6.3. **Planning Authority Response**

- The planning authority did not comment on the appeal.

6.5.6.4. **Observations**

- There are no observations.

6.6.6.5. **Further Responses**

There are no further responses.

7.0 Assessment

7.1. The application site is about 1m higher than the adjoining site to the southeast where the appellant's recently constructed house is located. There are no windows on the elevation facing the appellant's property, the building is single storey and is located northwest of the appellant's house. These factors ensure that there will be no adverse impacts arising from overshadowing or overlooking from the proposed garden room.

7.2. The appellant makes the case that the proposed development is built on made ground and may be subject to subsidence. The applicant states that the structure is sufficiently lightweight to ensure against subsidence. It may be noted in relation to this matter that the applicant has separate responsibility under civil law not to impact

on the structural integrity of the adjoining property. I am satisfied that the proposed development will not impact on the residential amenity of the adjoining property.

- 7.3. The planning authority's condition 2 requires that surface water be treated on site and that it not discharge to the public road or adjoining property. The appeal makes the point that surface water will not be treated properly on site. The applicant responded that there is a combined sewer on site and that the planning authority would not permit surface water to drain to that sewer.
- 7.4. The floor/roof area of the garden room is modest at circa 11m², and is not significant in the overall context of the site. There is an unpaved back garden to the site of about 280m². Standard practice would be to prevent, where possible, storm water entering combined sewers and therefore the planning authority required that the additional surface water be disposed of on site. Having regard to the foregoing I consider that there is sufficient free draining rear garden area to accommodate surface water disposal within the site in a manner which will not seriously injure the amenity of adjoining residential property.
- 7.5. The appeal makes the case that the materials of the proposed garden room are out of keeping with the existing house onsite.
- 7.6. The character of the area is relatively mixed with older and newer residential buildings, a church, filling station/retail uses and community/educational uses on this stretch of road between, essentially, the town centre and the junction with the M11. The existing house on site is modern with a restricted palette of materials, comprising a dark slate roof, rendered façade and a central first floor section with wooden finish. The windows and door are wooden. The proposed materials of the garden shed are black corrugated cladding on the southeast elevation facing the appellant's site and cedar cladding/black corrugated cladding and a raised timber detail on the northeast (facing the public road) elevation. Having regard to the pallet of materials in the area and on the site I conclude that the proposed development will not seriously injure the residential amenity of property in the vicinity or the visual amenity of the area.
- 7.7. **Appropriate Assessment**

7.8. Having regard to the modest scale of the proposed development, the nature of foreseeable emissions and its location in a built-up area with public water and sewerage 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. Having regard to the foregoing I recommend a grant of planning permission for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the pattern of residential development in the area and subject to compliance with the conditions set out below it is considered that the proposed development will not seriously injure the residential of property in the vicinity or the visual amenity of the area and will otherwise accord 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, 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. Water supply and drainage arrangements, including the disposal of surface

water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

Hugh Mannion
Senior Planning Inspector

28th February 2018