



An
Bord
Pleanála

Inspector's Report ABP300435-17

Development	Retention of two garages and aviary with ancillary food store.
Location	Barraderry West, Kiltegan, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/313
Applicant(s)	Joe Mason
Type of Application	Retention Permission
Planning Authority Decision	To Grant Retention Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Tina Keatinge Scanlon
Observer(s)	No observers
Date of Site Inspection	20 th of March 2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.36 ha and is located in the townland of Barraderry West in Co. Wicklow, west of Kiltegan Village. Access to the site is from the R747 route. The site currently accommodates a detached dwelling. There is a further detached property located to the east of the site. There are 2 no. garages located to the front of the dwelling. There are 2 small wooden sheds to the rear, adjacent to the eastern boundary which are used for the storage of garden equipment.
- 1.2. The subject aviary is also located to the rear of the dwelling also adjacent to the eastern boundary. The aviary comprises three separate components. The first part accommodates birds of prey and the latter two elements accommodate storage areas for feed, equipment etc. There is a small unroofed enclosure located to the south of the aviary structure which accommodates dogs.

2.0 Proposed Development

- 2.1. The proposed development comprises retention permission for:
 - 2 no. garages constructed to the front of the existing dwelling house. The largest garage has an area of 31.9 sq. metres and a height of c. 2.88 metres and is clad in profiled sheeting. The smaller of the two structures has an area of 17.5 sq. metres and a height of 3.52 metres. It is finished in plaster and tile.
 - An aviary with ancillary feed store erected to the rear of the dwelling. The aviary comprises 3 separate internal units and has a floor area of c. 27 sq. metres. It has a height of c. 2.54 metres. The external finishes are render and profile sheeting.
- 2.2. It was clarified at Further Information Stage that the aviary accommodates 1 hawk and one barn owl. The birds and aviary on the site are licenced to the applicant and are inspected annually under SI No 8/1984 – Wildlife Act 1976 (Bird of Prey) Regulations 1984.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 Grant Permission for Retention subject to conditions. Conditions of note include:

Condition 2: The garages shall be used for private domestic use only and shall not be used for human habitation or for any commercial purpose.

Condition 3: The aviary shall be used to house birds only and shall not be used to house any other animals.

Condition 4: Flood light attached to the garage shall be relocated or cowled so as not to interfere with passing traffic or the adjoining property to the east of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports (09.05.2017 and 14.11.2017)

- The site is of ample capacity to accommodate the garages and aviary and the development is not visually intrusive.
- Evidence from the Barn Owl Trust website and Wildlife Utah Hunting website found that the size of the subject aviary for housing 1 hawk and 1 barn owl as proposed accords with the minimum size required for housing these birds. In addition, the applicant is a licenced falconer and it is considered that the aviary structure is acceptable.
- From the letter submitted from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and fact that the site is inspected annually, it is considered that measures are in place to ensure that the aviary is operated in accordance with best practice.

3.2.2. Other Technical Reports

Environmental Health Officer: (05.04.2017): No objection.

3.3. Prescribed Bodies

Irish Water (21.11.2017): No objection.

3.4. **Third Party Observations**

Tina Keatinge Scanlan

- Issues raised are similar to that in the appeal submission and primarily relate to potential noise impacts from dogs barking in kennels located along the shared boundary and concerns that the aviary structure will be used as dog kennels. Concerns also raised regarding potential light pollution from a flood light attached to the garage.

4.0 **Planning History**

Planning Authority Reference 99/432: Outline permission granted in September 1999 for a dormer dwelling.

Planning Authority Reference 00/2702: Permission granted in July 2000 for a dormer dwelling and septic tank.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 The operative development plan is the Wicklow County Development Plan 2016-2022. No particular policies or objectives of relevance to the subject development.

5.2. **Natural Heritage Designations**

5.2.1 The nearest Natura 2000 site is the Wicklow Mountains SAC located c. 8 km to the north of the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Objects to kennel and dog run constructed along the common boundary due to noise impacts from barking dogs. Note that enforcement action was instigated

in respect of this development and that a case regarding the noise annoyance from the barking dogs was held in Carlow District Court.

- States that due to the removal of a ditch along the common boundary that her property is now subject to flooding from surface water. Notes that excessive surface water impacts on the effective operation of her bio cycle septic tank and that native woodland on her property is dying due to excessive flooding.
- Concern that aviary will be used to accommodate dogs.

6.2. Applicant Response

- No response received.

6.3. Planning Authority Response

- No response received.

6.4. Observations

- No observations received.

7.0 Assessment

7.1 The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Impact on Residential Amenity.
- Surface Water Drainage.
- Appropriate Assessment.

7.2 Impact on Residential Amenity

7.2.1 The subject development relates to the retention of 2 no. domestic garages located to the front of the dwelling and an aviary structure which is located along the eastern boundary adjacent to the appellant's dwelling.

- 7.2.2 The primary objection by the appellant relates to noise impacts from kennels on the applicant's property. The appeal submission notes that there is no objection per se to the two no. garages or aviary sought for retention and that the concerns relate to the concrete structure on the site that houses the applicant's dogs. It was observed on site that there is a small unroofed enclosure located to the south of the aviary structure. This consists of a small area of hardstanding surrounded by a concrete wall, timber panelling and gate. At the time of the site visit there were three dogs present. This fenced area extends to the rear of the garden, with a dog run located along the southern boundary. The aviary structure itself accommodates two birds of prey and a storage area for feed and equipment. The aviary structure is not used to accommodate dogs.
- 7.2.3 It is noted that there appears to be an ongoing dispute between the applicant and appellant with regard to noise impacts from barking dogs and documentation is submitted that this issue has already been before the courts.
- 7.2.4 I consider that the objection primarily relates to a noise issue associated with the applicant's dogs which is a separate matter to the current application for retention of the garage and aviary structures. I consider this to be a civil matter and outside the scope of this assessment.
- 7.2.5 With regard to the aviary structure, some concerns have been raised by the appellant that this may be used to accommodate dogs. There was no evidence to suggest when the site visit was undertaken that the structure is used as a kennel and it is clearly designed to accommodate bird life. It is currently occupied by a hawk and owl. I note that Wicklow County Council has imposed a condition restricting the use of the aviary structure to birds and I consider this to be reasonable and recommend that a similar condition be attached by the Board.
- 7.2.6 The subject dwelling has an extensive garden and I consider that the garages and aviary can be accommodated without any significant adverse impact on the amenities of adjoining properties. The subject aviary is set back c. 30 metres from the neighbouring dwelling to the east. Documentation has been submitted on the file as evidence that the applicant is a licenced falconer, that the aviary has a license and that the site is regularly inspected by the National Parks and Wildlife Service. In this regard, I consider that the subject development is acceptable in principle.

7.2.7 It is noted that concerns were also raised by the appellant at application stage regarding a security light on the one of the garage structures to be retained. It was clarified by the applicant that the subject security light is on a short term timer. A condition has been imposed by the Council that the subject light should be relocated or cowled. However, having regard to the position of the light and its set back from the neighbouring property and public road, it is considered that such a condition is not necessary. I am satisfied that the development will not give rise to adverse lighting impacts.

7.3 **Surface Water**

7.3.1 Concerns regarding surface water flooding stem from a dispute regarding the removal of a drainage ditch. This is again considered a civil matter and outside the scope of this assessment. The subject development seeks the retention of modest garage and aviary structures. It is stated in the application documentation and indicated on the application drawings that the site accommodates 2 no. soakaways to address surface water drainage. There are no objections to the development from the Environmental Health Officer. Having regard to the nature of the development and their limited footprint, I am satisfied that they in themselves would not generate excessive surface water runoff.

7.4 **Appropriate Assessment**

7.4.1 Having regard to the nature and scale of the proposed development, two modest domestic garages and an aviary structure, and the distance to 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.

8.0 Recommendation

- 8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature of the development to be retained comprising domestic garages and an aviary structure with a limited footprint and the extent and character of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development for retention would not seriously injure the visual and residential amenities of properties in the vicinity or have an adverse impact on surface water drainage and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of October 2017

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and 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.

3. The use of the domestic garages shall be ancillary to the use of the main house and shall not be used for human habitation or any commercial use.

Reason: In the interest of the proper planning and development of the area.

4. The aviary shall be used to house birds only and shall not be used for any other purpose including as a dog kennel.

Reason: In the interest of residential amenities and the proper planning and development of the area.

Erika Casey
Senior Planning Inspector

22nd March 2018