



An
Bord
Pleanála

Inspector's Report ABP-300581-18

Development	A Domestic Garage
Location	27 Finner Avenue, Bundoran County Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	17/51579
Applicant(s)	Ken Page
Type of Application	Retention
Planning Authority Decision	GRANT with conditions
Type of Appeal	Third Party
Appellant(s)	Judy Buckley
Observer(s)	None
Date of Site Inspection	15/03/18
Inspector	John Desmond

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	4
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Planning Authority Response	5
7.0 Assessment.....	5
8.0 Recommendation.....	6
9.0 Reasons and Considerations.....	6
10.0 Conditions	7

1.0 Site Location and Description

- 1.1. The application relates to the site of a detached dormer bungalow in the suburban area east of Bundoran town in south County Donegal. The site area is stated as 0.075ha. A detached garage / shed structure, of 29.51-sq.m stated area, has been erected to the side and rear of the existing dwelling and is the subject of this appeal.
- 1.2. It should be noted that the numbering of houses on Finner Avenue, including that of the applicant and the appellant, is inconsistent with that indicated on OSI mapping however the applicant submitted a copy of the Eircode address and map with the application to clarify the address of the property.

2.0 Proposed Development

It is proposed to retain a single-storey, detached garage / shed of 29.51-sq.m within the curtilage of a domestic dwelling. The shed is constructed of profile sheet metal on its sides and roof, with areas of profiled clear roof cladding also. The shed has a floor plate indicated as 7.71m X 4.13m and an external roof ridge height indicated at 3m.

3.0 Planning Authority Decision

3.1. Decision

GRANT subject to 2no. standard conditions, including limiting the use of the structure to domestic purposes ancillary to the existing dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Council's Planning Officer (29/11/17) is consistent with the decision to GRANT permission and the conditions attaching thereto.

3.2.2. Other Technical Reports

Roads & Transportation (03/11/17) – No objection.

3.3. **Third Party Observations**

1 letter of objection was received from Judy Buckley (of no.26 Finner Avenue, the adjoining property to the south). The main points raised are repeated and / or elaborated on in the appeal and are summarised in the appropriate section below.

4.0 **Planning History**

UD17/106: A Warning Letter issued from Donegal County Council for ‘the erection of a garage / shed which does not fall within the scope of exempted development and which does not have the benefit of planning permission.

5.0 **Policy Context**

5.1. **Development Plan**

Bundoran & Environs Development Plan 2009-2015. Note: On 06/03/14, the Council issued a public notice indicating that pursuant to the provisions of Section 11 of the Planning & Development Act 2000 (as amended) Bundoran Town Council and Donegal County Council decided not to review the Bundoran & Environs Development Plan 2009-2015 (as varied) and that the plan therefore continues to have effect until as such time as it is reviewed

Land use zoning objective ‘Established Development’ - *These comprise areas of the town where a principal use has been established. In most cases, the building line and road frontage associated with these areas are satisfactory and shall be maintained. Where vacant plots and under-utilised lands exist in these areas, localised infill development that is compatible with adjacent uses shall be encouraged.*

5.2. **Natural Heritage Designations**

Donegal Bay Special Protection Area site code 004151 c.0.7km to the northwest.

6.0 The Appeal

6.1. Grounds of Appeal

The Third-Party grounds of appeal by Judy Buckley may be summarised as follows:

- The Planning Officer estimated the separation distance from the party boundary at 2m, but the applicant measured in on site at 0.79m. This makes a substantial difference to visual and light impact on the appellant's property.
- Visual impact of 3m structure on appellant's property (and the view from her kitchen window).
- The Planning Officer implied that the visual impact (on the observer's property) was acceptable in the context of the caravan park to the rear.
- Industrial in appearance and suggests it may be used for commercial purposes, with consequential traffic impact.
- Industrial appearance exacerbated by there being no windows or doors facing onto her property.
- Adverse impact on the value of her residential property.

6.2. Planning Authority Response

The main points of the response received 26/01/18 are:

- The distance referred to in the Planner's Report is that between the subject shed and the appellant's dwelling, not the boundary.
- The assessment was based on a site inspection followed by a desktop assessment. It was not evidenced that the development represented overshadowing or any undue negative impact on third party property.

7.0 Assessment

- 7.1. This is a single-issue case. I am satisfied that, having inspected the details, drawings, documents and submissions made on this file and having inspected the subject site, the structure proposed for retention does not have any significant

adverse impact on the amenities of property in the vicinity such as by way of overshadowing or loss of daylight, or by way of excessive visual intrusion or otherwise. I consider the structure to be small in scale and height such as not to be visually overbearing on neighbouring properties. There are no windows within the structure overlooking the nearest neighbouring property. And the structure is located to the north of the nearest neighbouring property such that significant loss of sunlight and/or daylight cannot result.

7.2. There is no evidence that the subject structure is being used for commercial purposes or for purposes other than as a domestic garage ancillary to the residential dwelling on site. The Planning Authority attached a condition appropriately limiting the use of the shed / garage and, should the Board uphold the decision it would be reasonable to attach the same or a similar condition.

7.3. Arising from the foregoing and subject to the attachment of the aforementioned condition, it can reasonably be concluded that the subject development is not likely to depreciate the value of property in the vicinity.

7.4. **Appropriate Assessment**

7.4.1. Having regard to the small-scale nature of the development proposed for retention, which is located within a built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 **Recommendation**

8.1. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0.

9.0 **Reasons and Considerations**

Having regard to the nature, scale and location of the development proposed for retention, it is considered that proposed development would not seriously injure the amenities or depreciate the value of property in the vicinity, would be consistent with

the zoning objective pertaining to the site as '*Established Development*' under the Bundoran and Environs Development Plan 2009-2015 (which remains in effect), and would be in accordance with the proper planning and sustainable development of the area, subject to compliance with conditions set out below.

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. The use of the garage / shed structure shall be restricted to use for domestic purposes ancillary to the use of the existing dwelling on site.

Reason: To protect the amenities of property in the vicinity.

3. 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.

John Desmond
Senior Planning Inspector

20th April 2018