



An
Bord
Pleanála

Inspector's Report ABP-300905-18

Development	Domestic Storage Shed
Location	Knocknagarron, Convoy, Lifford County Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	17/50855
Applicant(s)	Eddie Duffy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Kara Duffy
Observer(s)	None
Date of Site Inspection	18 th June 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located in a rural area, approx. 5.7km northeast of Ballybofey-Stranorlar, accessed off the southern side of the regional road R236.
- 1.2. The site, which has a stated area of 0.457sqm, comprises a detached bungalow, with a garage located to the rear of the bungalow. The site adjoins a laneway which provides access to a small number of dwellings as well as to agricultural lands and lands under forestry. The site slopes up from the R236.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a shed with mezzanine level for storage.
 - The shed is 8m wide x 9m deep and has a stated floor area of 84sqm. The shed comprises a pitched roof, with an overall height of 5.9m
 - The floor area of the shed is 125sqm.

3.0 Planning Authority Decision

3.1. Decision

GRANTED, subject to 6 conditions, including the following:

C2: The finished floor level of the domestic storage shed shall not exceed 0.5m above the finished floor level of the existing dwellinghouse

C5: All sound trees, shrubs and hedgerow shall be retained save as herein otherwise required and any tree or shrub species subsequently dying shall be replaced.

C6: Garage shall be used solely for domestic purposes only ancillary to the residential enjoyment of the parent dwellinghouse and shall not be used for any other purpose be that business, residential, or other without a separate grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The original Planning Officer's report on file recommended refusal, however a subsequent report on file recommended further information be requested to afford the applicant an opportunity in the interests of fairness to clarify certain matters in relation to the boundary of the site and potential for relocation of the shed to mitigate concerns raised by third parties. Further information was requested in relation to the planning status of the existing shed and boundary treatment proposed. The applicant was advised as a note to the further information request to consider relocating the shed to the western side of the existing dwelling. The applicant responded with the planning reference for the existing shed and the following response was also made in relation to the location of the shed and the boundary treatment:

- 900mm footpath will be constructed at the side of the shed and additional laurel hedge will be planted on the applicant's boundary.
- A retaining block wall with picket fence on top will be constructed to alleviate any concerns in relation to the impact on the adjoining laneway.
- No trees or existing planting will be removed from the established boundary hedge.
- Letter of support submitted from neighbouring property on other side of the laneway.
- Relocation of the shed was considered, however the western side of the dwelling is elevated with mature trees and would require costly ground works; there is an existing ESB line present which would require removal; and at that location the shed would impact on light to the existing dwelling.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. **Third Party Observations**

Seven objections were received, the basis of which are largely addressed within the grounds of appeal.

4.0 **Planning History**

95/1202 – Permission for a garage to rear of the dwelling house.

5.0 **Policy Context**

5.1. **Donegal County Development Plan 2018-2024 – effective from 5th June 2018**

- The site in question is not governed by a specific zoning objective.
- **Part B: Appendix 3** Development Guidelines and Technical Standards.
- **Map 1.1 Scenic Amenity Type** - The site is within area of High Scenic Amenity. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.
- **Policy NH-P-7:** Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.
- **Policy NH-P-10:** It is a policy of the Council to retain and protect significant stands of existing trees/hedgerows/woodlands, and seek increased planting of native trees where appropriate in new developments.

5.2. **Natural Heritage Designations**

The site is not located within or adjacent to a Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

One grounds of appeal has been submitted from a resident of the laneway whose dwelling is approx. 83m south of where the shed in question is proposed to be located:

- The shed is to be located alongside the lane serving the appellant's property. The shed will affect the structural stability of the lane. An engineer on behalf of the appellant questions the structural stability of the proposed retaining wall and appendix is attached to the grounds of appeal in this regard. The applicant has not shown sufficient detail on the drawings in this regard. The laneway is important for access for appellant and other HGV traffic, eg heating oil deliveries.
- The shed will impact on the residential amenity of the appellant through the removal of the natural hedgerow and replacement with a manmade barrier in a rural landscape.
- The appellant does not object to an additional shed, provided it is located away from her access lane to preserve her residential amenity and avoid potential undermining of the lane. The Board, in support of a precautionary approach in relation to the issue of undermining of the laneway, can request revised plans from the applicant under article 73 of the regulations. The shed could be located beyond the existing trees on the site to the southwest of the applicant's site, which would not necessitate changes to ground levels or loss of trees.
- The appellant has cut down the hedgerow, despite saying he would not impact the hedgerow in the planning application.
- The replacement of the natural hedgerow with a concrete wall and close board fencing rising to a maximum of 3m along the boundary constitutes an adverse impact on her residential amenities and enjoyment of her home.

6.2. Applicant Response

None.

6.3. Planning Authority Response

No further comment.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. The applicant proposes to construct a shed to the side and rear of the existing dwelling, adjoining an existing shed. The shed is proposed to be used for storage purposes and the undertaking of applicant's woodworking hobby.

7.2. The primary issues for assessment include;

- Location of the Shed and Impact on the Laneway
- Impact on the Amenities of the Area

Location of the Shed and Impact on the Laneway

7.3. The grounds of appeal raises concerns in relation to the impact of the proposed shed on the structural stability of the adjoining laneway.

7.4. The shed is proposed to be located 2.9m west of the site's boundary with the adjoining laneway. I note the applicant proposes to lower the ground level adjoining this boundary to accommodate the shed, given the sloping nature of the land at this point. The ground level of the road is indicated as 100 tbn, with the finished floor level (FFL) of the existing dwelling 101m. The FFL of the existing shed is 101.5m and the FFL for the proposed shed will be 101.5m. To facilitate the proposed development, the applicant proposes a retaining wall to the side of the shed rising

from 600mm to a maximum height of 1.5m at the rear of shed. A 1.8m high picket fence is proposed on top of the retaining wall. It is stated the ground level will be graded between the wall and the boundary (a width of 1.68m) with a laurel hedge planted in this area.

- 7.5. I am of the view, that subject to standard design and construction methods, it is feasible to construct a retaining wall for the relatively modest variation in ground levels indicated and observed at this site. There is however a lack of detail in relation to the wall accompanying the drawings, therefore, should the Board be minded to grant permission, this issue could be adequately addressed by way of condition.
- 7.6. Based on the dimensions indicated with the application, the boundary wall and fence would be 3.3m at its highest, however I note that no elevations of the proposed retaining wall and picket fence have been submitted to indicate its height relative to the height of the laneway at the highest point and I consider the overall height of the picket fence may be above what is required. The detail of the height and finish to the proposed picket fence on top of the boundary wall should be agreed in writing with the planning authority, which can be addressed by way of condition, should the Board be minded to grant permission.

Impact on the Amenities of the Area

- 7.7. The grounds of appeal states the proposed shed will damage existing trees and hedgerows at the boundary and while the applicant committed to not removing trees and hedgerows at the boundary, this has already occurred. It is contended that the proposed development will impact on the residential amenities of the appellant and the shed should be relocated to the other side of the dwelling.
- 7.8. It is unclear if the trees are in the ownership of the applicant or a third party who claims to own the laneway. I note the planners report states there is a right of way over this laneway. The matter of any removal of hedgerows or trees which may be in someone else's ownership or the questioning of the alteration of a shared boundary is a civil issue and not a matter for An Bord Pleanala.
- 7.9. At present, the deciduous trees along this laneway provide for an attractive canopy, albeit the treeline is weak alongside the rear section of the applicant's property where the shed is proposed. The applicant proposes to strengthen the boundary with additional planting within his property. I consider that the existing planting should be

retained where feasible and the proposal for additional planting between the shed and the laneway boundary is an appropriate measure to contribute to the rural landscape, while facilitating the development.

- 7.10. In my view the positioning of the garage to the rear and side of the existing dwelling, with a FFL no higher than 0.5m above the existing dwelling, will result in the shed being easily assimilated into the existing landscape and the proposal will not be a visually incongruous insertion to the curtilage of this house in this rural area. While the proposed shed will be visible from the laneway, this laneway is not utilised by a significant number of users as it is off the regional road and it is not identified as a scenic route. Given the level differences involved between the shed and the laneway the proposed shed will not in my view significantly detract from the rural character or the visual or residential amenities of the area or of property in the vicinity to such an extent as to warrant its relocation on site or refusal.

Appropriate Assessment

- 7.11. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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 condition is granted.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Donegal County Development Plan 2018-2024 and the nature and scale of the proposed development in this rural area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed 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 28th day of December 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 shed shall only be used for storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial or habitable purposes.

Reason: In the interest of residential amenity.

3. The proposed retaining wall shall be designed by a qualified structural engineer and constructed to the standards specified. Details of the retaining wall to be constructed shall be agreed in writing with the planning authority prior to the commencement of development.

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

4. The developer shall submit details of the height and finishes to the proposed retaining wall and fence, including elevation plans indicating the height of the wall against the level of the adjoining laneway. Details shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity.

5. Existing trees and planting along the eastern boundary shall be retained where feasible. Supplementary native screen planting shall be provided on the eastern boundary of the site, alongside the proposed shed and

laneway.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the 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.

Una O'Neill
Senior Planning Inspector

27th June 2018