



An
Bord
Pleanála

Inspector's Report ABP-301324-18



Development	Retention of alterations to house including change of use of garage to living accommodation, elevational changes, single storey extension and shed to rear.
Location	Lisdrumskea, Shercock, Co. Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	17/493
Applicant(s)	Michael & Maria Mc Philips
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Bernadette Smith
Observer(s)	None
Date of Site Inspection	15 th September 2018
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located on the NE side of Shercock in County Cavan and along the R178 regional road to Carrickmacross. The surrounding area is predominantly residential in character and there are several detached houses, a housing estate and a garage in the vicinity. The site is bound to the N by the vehicle repair garage, to the W by 2-storey semi-detached houses, to the E by a single storey house and to the S by the public road with a row of detached houses beyond. The site is occupied by a detached 2-storey dwelling house which has a single storey side extension and a large detached shed to the rear. The site boundaries are defined by a mix of walls, fences and hedges.
- 1.2. Photographs and maps in Appendix 1 describe the site and environs in more detail.

2.0 Proposed Development

- 2.1. Permission is being sought to retain alterations to the existing house including a change of use from garage to living accommodation and the retention of a single storey side extension, and to retain a shed to the rear of the site:
 - The single storey extension to the E is c.2.8m wide, 6m deep & 3.2m high.
 - The converted garage occupies the ground floor W section of the house.
 - The rear shed is c.13m to 15m wide, c.6m deep and c.4.4m high.
 - Alterations to internal layout and external elevations of house.
 - Site boundaries & all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of Further Information in relation to the use and justification for the scale of the shed and details of connection to the public sewer, the planning authority decided to grant planning permission for the proposed development subject to 4 standard conditions.

Planning Reports: Planning Officer recommended a grant of planning permission.

Municipal District Engineer: No objections subject to standard conditions but noted the issues related to the underground sewerage system and connections to the public system are under the remit of Irish water.

3.2. **Third Party Observations**

One letter of objection from Bernadette Smith who owns the neighbouring house to the E who raised concerns in relation to: - (a) the planning status of the existing house which was built without a garage and retention permission should be sought for the house as constructed, and (b) the site is not directly connected to the public sewer and it cause blockages along the neighbour's connection.

4.0 **Planning History**

Reg. Ref. 95/134: Permission granted for a 2-storey house.

Reg. Ref. 97/471: Permission granted for a change of house type which included an integrated ground floor garage in the W section. Condition no.1 specified a new location of the vehicular access in the interest of traffic safety.

Reg. Ref. 07/228: permission granted for a 2-storey granny flat beside but separate from the existing house (not implemented).

5.0 **Policy Context**

5.1. **Cavan County Development Plan 2014-2020**

Zoning: The site is located on lands which are zoned "Whitelands" for mixed use development outside the town or village core, and residential is a permitted use.

DM09 states that only one detached domestic garage shall be permitted for any single dwelling, domestic garages shall be single storey, domestic in appearance and in character with the dwelling.

6.0 The Appeal

6.1. Grounds of Third Party Appeal

Bernadette Smith who owns the neighbouring house raised the following concerns:

- No objection in principle to the retention of the dwelling.
- Allowed a connection to her private manhole on a temporary basis, there is no direct connection to the public sewer on the opposite side of the road and her system has become blocked, and a permanent resolution is required.
- Application is invalid as there never was a garage attached to the house and the subject space was always used as living accommodation, and retention permission for the house should have been sought.
- Permission is being sought for the retention of associated site works which include the foul sewer discharge but no details of connection submitted.
- Site entrance does not accord with Condition no.1 of Reg. Ref. 97/471 and its relocation should have been referred to in the application (map attached).
- Planning application form incorrectly states that the site is connected to the public sewer instead of the neighbouring private system.
- Query the stated use of the shed for the making & restoration of garden furniture as a hobby.
- Query the applicant's response to the sewer connection issue as it is evident that the appeal site is connected to her manhole which also drains to the public pumping system on the opposite side of the road (test conducted).
- Permission should be refuse because of non-compliance with planning guidelines, incorrect public notices, no proper surveys of the sewers undertaken and inaccurate description for the purpose & use of the shed.

6.2. First Party response

None received.

6.3. Planning Authority Response

- Note concerns raised in relation to the validity of the application & wording.
- Applicant applied to retain alterations made to Reg. Ref. 97/471 which include converting the garage to living accommodation, and satisfied with wording.
- The connection to the public sewer is a matter for Irish Water but a new connection could be required by condition is considered necessary.

6.4. Observers & Prescribed Bodies

No submissions received.

7.0 Assessment

The main issues arising in this case relate to the following:

- Principle of development
- Visual & residential amenity
- Environmental services
- Other issues

7.1. Principle of development

The development proposed for retention is located within an area that is covered by the Cavan County Development Plan 2014 to 2020 and within an area that is zoned “Whitelands” for mixed use development and the works are acceptable in principle.

The original proposal for the 2-storey house, which was granted permission under Reg. Ref. 97/471, included an integrated ground floor garage in the W side of the house. However, the garage space was subsumed into the house and the garage doors were replaced with a window in the front elevation. The applicant also constructed a single storey extension along the E side of the house which forms part of the residential floorspace. These elements are acceptable in principle.

The applicant subsequently constructed a large detached shed to the rear of the house which is c.120sq.m. and c.4.4m high. DM09 of the Development Plan states that only one detached domestic garage shall be permitted for any single dwelling which should be single storey, domestic in appearance and in character with the dwelling. The planning authority requested details in relation to the use of the shed having regard to its size and scale and the applicant stated that it was used for the restoration and construction of garden furniture which is his hobby. It is noted that Condition no.2 of the planning authority’s decision to grant permission required that the shed be used solely for non-habitable ancillary domestic and private purposes and not for any commercial, industrial, business or trade purposes. This condition is considered reasonable having regard to the prevailing residential character of the surrounding area. This element is acceptable in principle.

7.2. Visual and residential amenity

The proposed development would be located within a residential area that is not covered by any sensitive heritage designations. The converted garage space, alterations to the elevations and the single storey side extension would not have an adverse impact on the visual or residential amenities of the area.

The existing c.120sq.m. shed is c.13m to 15m wide, c.6m deep and c.4.4m high.

The shed is located directly along the N site boundary with the adjoining garage site to the N which is not affected by the structure.

The shed is set back between c.6.7m and 13.4m from the rear elevation of the existing house which is not overshadowed to any significant extent having regard to the orientation of the shed to the N of the house.

The shed is partly located along the site boundary with the adjoining residential site to the E and it is set back c.12m from the rear SW corner of the house which would not be overshadowed to any significant extent, and there are no windows in the side elevation.

The shed is also partly located along the site boundary to the W and it is set back between c.11m and c.13m from the rear elevations of the nearest semi-detached houses. Although their rear gardens are overshadowed in the early part of the day the impact is not significant extent having regard to the height and depth of the shed and its orientation to the E. There are no windows in the side elevation.

The shed proposed for retention would not have an adverse impact on the amenities of any neighbouring properties in the vicinity as a result of overshadowing, overlooking or loss of privacy.

The applicant's response to the planning authorities request for landscaping along the site boundaries is noted and it is accepted that it would be difficult to implement a landscaping scheme because of the proximity of parts of the shed to the site boundaries. The existing site boundaries to the E and NW are defined by mature trees and hedges, however the front roadside boundary is undefined and the applicant should be required to comply with Condition nos. 1, 2 and 3 of the parent permission granted under Reg Ref. 97/471 in relation to this boundary.

7.3. Environmental services

The Third Party Appellant has raised concerns that the foul drainage pipe from the appeal site is connected to the foul sewer on the neighbouring site to the E where it then drains to the public mains system on the opposite side of the road. The Appellant states that although this was supposed to be a temporary arrangement it has continued for a prolonged period of time and that it has caused a blockage in their system. They request an appropriate and permanent resolution to this issue.

The agent for the applicant queries the existence of such a connection whilst the Council's Municipal District Engineer has no details of this relationship which they state is a matter for Irish Water and not the local authority.

It is noted that Condition no.8 of the permission granted under Reg. Ref.97/471 for the existing house required that the connection to the foul sewer should be subject to a separate application to the Council, whilst Section 20 of the current planning application form states that the site is connected to the existing public sewer.

In the absence of any physical evidence to substantiate either side of this dispute, I would recommend the attachment of the Board's standard condition in relation to water supply and drainage arrangements.

7.4. Other issues

Appropriate Assessment: Having regard to the nature and scale of the development proposed for retention and its location within a long established built up urban area which is connected to existing public services, and the separation distance to the nearest sensitive location and lack of a direct aquatic connection, there is no real likelihood of significant effects on any European sites arising from the proposed development and the need for Appropriate Assessment screening is not required.

Environmental Impact Assessment: Having regard to the nature and scale of the development proposed for retention and its location within a long established built up urban area and the separation distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Vehicular access: The site entrance occupies the position that was originally proposed under Reg. Ref. 97/471. However this is different from the position that was permitted under Condition no.1 (in the interests of traffic safety), and the relocated entrance does not form part of the current retention application.

Validation: The concerns raised by the Third Party in relation to this issue are notified however I am satisfied that the planning application and appeal comply with the relevant requirements.

8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the development proposed for retention for the reasons and considerations set down below, subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the County Cavan Development Plan 2014 to 2020, and to the nature, and scale of the development proposed for retention, it is considered that subject to compliance with the following conditions, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The development proposed for retention 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 information received by the planning authority on the 9th day of February 2018, 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 developer shall comply with the terms and conditions of the planning permission granted by the Council under Reg. Ref.97/471 except as amended by this permission or as may otherwise be required in order to comply with the

following conditions.

Reason: In the interest of clarity.

3. The shed be used solely for non-habitable ancillary domestic and private purposes and not for any commercial, industrial, business or trade purposes.

Reason: In the interest of clarity, traffic safety and residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

5. The developer shall pay to the planning authority a financial contribution of one thousand, six hundred and forty euro (€1,640) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Karla Mc Bride
Planning Inspector

20th September 2018