



An
Bord
Pleanála

Inspector's Report ABP-301438-18

Development	Garage/shed
Location	4 Gortonora, Dingle, County Kerry
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/1055
Applicant(s)	Thomas & Maria O'Mahony
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Moya Farrelly & Brian Galvin
Observer(s)	None
Date of Site Inspection	12 th July, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located on the east side of the town of Dingle in County Kerry. No. 4 Gortonora is a detached two-storey house amidst a scheme of two-storey houses constructed on elevated land. The curtilage of the property comprises a forecourt area for parking and a back garden. There is an embankment along the rear of the site on the top of which is a timber boundary fence (approximately 1.5m in height) forming the boundary with the appellants' two-storey property lying to the north-east on more elevated ground. There is some backplanting of this fence on the appellants' property side.

2.0 Proposed Development

2.1. The proposed development would comprise the construction of a detached shed in the garden area to the rear of the house. The original application to the planning authority consisted of a dormer-style structure, providing a garage 44.4 square metres at ground floor level and a store 32 square metres at first floor level. The first floor area was reduced to 24 square metres in response to a further information submission. The location for the proposed shed is flat garden area adjoining the embankment.

3.0 Planning Authority Decision

3.1. Decision

On 22nd March, 2018, Cork County Council decided to grant permission for the proposed development subject to five conditions. Condition 2(i) required the ridge roof height of the shed to be reduced to 5.785m over finished floor level.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner requested further information on the need for a structure with the proposed floor area and building height.

3.3. Third Party Observations

An objection to the proposal was submitted by Moya Farrelly. The grounds of the appeal reflect the principal planning concerns.

3.4 In response to the further information request, the applicant submitted revised drawings that reduced the proposed building height by 700mm and the floor area of the first floor level. It was submitted that the shed would be used for domestic storage purposes and for the applicant's wood turning hobby.

3.5 Following this submission, a further letter of objection was received from Moya Farrelly.

3.6 The Planner, in a final report, noted the site's planning history, development plan provisions and third party submissions. The garage was considered to be two-storey in design and it was recommended that it be reduced by 500mm by way of condition, thus addressing third party concerns. A grant of permission subject to conditions was recommended.

4.0 Planning History

P.A. Ref. 04/4235

Permission was granted for 15 detached houses, 20 semi-detached houses, and 29 town houses.

P.A. 17/904

Permission was granted for the retention of changes to elevations of houses 1-10.

5.0 Policy Context

5.1. Dingle Functional Area Local Area Plan 2012-2018

Zoning

The site is zoned 'Existing Residential'.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The site could easily accommodate a large single-story shed.
- A shed of this size will set a negative precedent and encourage similar developments elsewhere in the estate.
- The proposed development would overshadow the appellants' property.
- Concern is raised about noise arising from woodworking machinery.
- Condition 2 was attached with the planning authority decision with no understanding of the finished floor level, spot level, contour or any other justification of height. The proposal will be located at least in part on the embankment and construction will require use of a rock breaker, raising concerns about damage to the appellants' house and vibration.
- It would be in the best interests of good planning to try and maintain views and light for all properties by means of good design and layout.
- The building should be positioned on the property and be limited in its size so as to respect their neighbours' quality of life. The building could be located further north.
- The appellants have been informed that it is intended that the building would be used as an office.
- The value of the appellants' property would be devalued by €15,000 with the erection of the shed.

6.2. Applicant Response

In response to the appeal, the applicants explained the purpose of the garage/shed. It was submitted that the location of the shed is also important as the existing topography and layout results in their private amenity space being overlooked. The shed would provide a small area of privacy between it and the house. The response submitted that the development would be single-storey with attic space and that it would have a ridge height of 5.78m, with 1.78m of the gable of the proposed shed being above the fence level between the properties. It was further submitted that the shed can be accommodated on the flat portion of the garden and a rock breaker would not be required.

6.3. Planning Authority Response

The planning authority submitted that it had regard to the third party submission made to it. It was noted that the applicants are occupying the house on a permanent basis and a shed is a necessary ancillary structure to a dwelling occupied on a full-time basis. It was concluded that such occupancy should be encouraged to aid the vitality and vibrancy of the town.

6.4. Further Responses

In response to the applicants' submission, the appellant reiterated concerns raised.

7.0 Assessment

7.1. I first note the planning history of the residential development at this location. The planning permissions issued did not prohibit the development of domestic sheds to the rear of properties in this scheme of houses. Further to this, I note the purpose of the proposed shed, namely to provide domestic storage and to allow for the applicant to pursue a wood turning hobby. The principle of a proposed shed and the proposed uses to which such a shed would be put could not be construed as unacceptable in this housing estate.

7.2. The proposed shed is intended to be located on flat ground behind the existing detached house adjoining an embankment which runs up to the boundary with the

appellants' property. The property boundary comprises a timber fence. The height of this timber fence does not prohibit viewing over it. As a result, persons in the appellants' back garden can freely overlook the applicants' back garden and house.

- 7.3. The height and scale of the proposed shed was been altered during the course of the determination of the application by the planning authority. The process concluded in the development being reduced by a further 500mm in height such that it was required, by way of condition, that the shed be reduced to 5.785m over the finished floor level of the shed. The applicants are satisfied to comply with this requirement.
- 7.4. It is my submission to the Board that the development of a shed as proposed is entirely acceptable on this site. Its scale evidently meets the applicants' requirements, while producing a building that is subservient to the house, with a small attic level over a ground floor that is 44.4 square metres in area. In my opinion, its layout and siting would provide an important secondary function for those permanently residing at this location by significantly reducing the extent of overlooking from the appellants' back garden and allowing for an appropriate small private amenity space to be developed to the rear of the appellants' house. I again note that the existing boundary between the properties is inadequate to provide for privacy in the applicant's back garden. The shed would reduce the degree of overlooking that arises. The Board could consider requiring the applicants to provide suitable screen planting in front of the fence to reduce overlooking from the neighbouring property. However, the applicants have not suggested the necessity for such at this time.
- 7.5. In conclusion, I consider that the proposed development, as permitted by the planning authority, is wholly acceptable and would be in accordance with the proper planning and sustainable development of this residential area.

Note: I note that the planning authority undertook a screening for Environmental Impact Assessment for this development. This is an application for a domestic shed. This is a development to which EIA does not apply and to which screening for EIA should not be undertaken. The Board will note that the outcome from undertaking screening for EIA when it should not be undertaken

can have significant planning implications. No such screening is undertaken in this assessment.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the compatible design and limited scale of the proposed development, it is considered that the proposed garage/shed would not adversely impact on the residential amenities of adjoining properties and would otherwise be in accordance with the provisions of the current Dingle Functional Area Local Area Plan. 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 drawings and details submitted to the planning authority on the 16th 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 roof height of the structure shall be reduced to 5.785m over the finished floor level of the building. Prior to the commencement of development, revised

drawings complying with this requirement shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual and residential amenity.

3. The structure shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used as separate, independent residential accommodation or for the carrying on of any trade or business.

Reason: In the interest of residential amenity.

4. The external finishes of the proposed structure shall harmonise in colour and texture with the existing finishes on the house.

Reason: In the interest of visual amenity.

5. 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 and to ensure a proper standard of development.

Kevin Moore
Senior Planning Inspector

23rd July 2018