



An
Bord
Pleanála

Inspector's Report ABP-302407-18

Development	Retention of existing detached garage.
Location	Keerhan, Sheepgrange, Co.Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	18481
Applicant(s)	David Bracken
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sebina Corrigan
Observer(s)	None
Date of Site Inspection	14 th November 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.08 ha, is located in the townland of Keerhan in south western County Louth. The border with County Meath is located c. 200m to the west of the site.
- 1.2. The appeal site is almost rectangular in shape, and is located on the northern side of a local road which terminates to the west of the site. The site currently accommodates a two storey detached dwelling which faces the road, with a conservatory to the side and two garage structures to the rear (north west) of the house.
- 1.3. The appeal site is elevated, with the land falling northwards towards the Mattock River, which runs a short distance to the north west of the appeal site. The surrounding area is agricultural in character, with a considerable amount of one-off housing along the local roads in the vicinity.

2.0 Proposed Development

- 2.1. Retention permission is sought for an existing detached garage. The garage has a stated floor area of 120 sq m and a maximum ridge height of 5.1m. It's finishes comprise green corrugated metal sheeting, with clear polycarbonate panels to the west elevation. A pair of roller shutter door are located on the east elevation and a pedestrian door on the south elevation. On the date of my site inspection the garage structure was being utilised for the storage of a number of vintage cars.
- 2.2. The garage for which retention permission is sought is located directly behind another garage, which has a higher ridge height, but approximately half the footprint, and which matches the main house in terms of finishes (i.e. pebble-dash walls and slate roof).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant retention permission, subject to two standard conditions.

3.2. Planning Authority Reports

- 3.2.1. The Planning Officer's report can be summarised as follows:

- While the site is located within Zone 6 of the Development Plan, there is no objection in principle to a garage provided that it meets the required criteria.
- Garage is subservient in terms of size, bulk and scale to the existing dwelling.
- Structure is sited in such a manner as to reduce its visual impact. It is to the rear of the house and only short glimpses shall be available when travelling westward.
- There will be limited inter-visibility between the development site and the National Monuments.
- Garage is being used for the storage of vintage cars.
- Garage does not adversely impact on any existing dwelling in terms of overlooking, overbearing or overshadowing.
- Development can be screened out at stage 1 of the AA process.
- Site is not located within an identified flood risk area.

3.3. Other Technical Reports

- 3.3.1. **Architectural Conservation Officer:** Retention of the development will not adversely affect the amenity, views and landscape setting of the National Monuments.

3.4. Prescribed Bodies

- 3.4.1. None.

3.5. Third Party Observations

- 3.5.1. One third party observation was received from John Dineen on behalf of Sebina Corrigan. The issues raised were generally as per the appeal.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. 05/1314:** Permission granted in 2006 for dwelling, detached garage and associated development.

4.2. Surrounding Area

- 4.2.1. The following applications relate to the appellant's site to the north east of the appeal site:

- **Reg. Ref. 15/482:** Permission refused in 2015 for house and associated development due to impact on Brú na Bóinne WHS and failure to demonstrate compliance with EPA wastewater code of practice.
- **ABP Ref. PL15.238596 / Reg. Ref. 10/632:** Permission refused in 2011 for house and associated development due to inadequate road and impact on Brú na Bóinne WHS.
- **Reg. Ref. 09/336:** Permission refused in 2010 for house and associated development due to inadequate site size and impact on Brú na Bóinne WHS.
- **Reg. Ref. 04/1168:** Application for house and associated development. Deemed withdrawn.

5.0 Policy Context

5.1. Louth County Development Plan 2015-2021

- 5.1.1. The appeal site is located within Development Zone 6, which seeks to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of

Brú na Bóinne, the UNESCO (Tentative) World Heritage Site of Monasterboice and the Site of the Battle of the Boyne.

5.1.2. Map 5.12 indicates the Core Area and Buffer Zone for the Brú na Bóinne UNESCO World Heritage Site. The appeal site is c. 250m outside (north) of the Buffer Zone.

5.1.3. Section 5.9.6 of the Development Plan relates to the Brú na Bóinne World Heritage Site. It states that “the planning authority is cognisant of the potential irreversible and adverse cumulative impact of incremental piecemeal development in this unique landscape. It is critically important that further new development is not permitted to erode the heritage significance of this landscape”. It goes on to state that “a new Development Zone (Zone 6) has been introduced, which covers the sensitive landscape of the UNESCO World Heritage Site of Brú na Bóinne, the Tentative World Heritage Site of Monasterboice and the site of the Battle of the Boyne, to protect the heritage and cultural landscape. In this regard it is the intention of the Council to prepare a Framework Plan for this area”.

5.1.4. The following Policies are noted:

- **RD 41:** To permit only limited development appropriate to these heritage and cultural landscapes including only essential resource and infrastructure based developments and developments necessary to sustain the existing local rural community. Such development would include limited one-off housing, agricultural developments, extensions to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (excluding holiday homes), active recreational amenities such as pedestrian and cycle paths, equestrian trails, ecological corridors, small scale ancillary recreational facilities, and renewable energy schemes.
- **HER25:** To work in partnership with Meath County Council and the relevant agencies and the public to promote, understand, conserve and sustainably manage the UNESCO World Heritage Site of Brú na Bóinne to maintain its Outstanding Universal Value (OUV).
- **HER 26:** To protect the ridgeline to the north which frames the views Map 5.13 within and from the World Heritage Site of Brú na Bóinne from visually intrusive and inappropriate development, subject to the Development

Assessment Criteria set out in Section 5.9.7 and using view-shed analysis as a tool to guide and inform development management.

- **HER 27:** To require that all development within Development Zone 6 be subject to Development Assessment Criteria set out in Section 5.9.7.
- **HER 29:** To maintain the Outstanding Universal Value of the Brú na Bóinne World Heritage Site, Louth County Council will seek to ensure that no development which might have significant, deleterious impacts upon the character of the World Heritage Site is permitted.
- **HER 30:** To prepare a Framework Plan for the protection, development and promotion of lands subject to Development Zone 6 (which include for the UNESCO World Heritage Site of Brú na Bóinne, Tentative World Heritage Site of Monasterboice and the Battle of the Boyne Battlefield site).

5.1.5. Section 5.9.7 sets out development management assessment criteria for Development Zone 6, as follows:

- There should be no inter-visibility between the development site and the National Monuments of Newgrange, Knowth and Dowth, up to and including the apex level of the roof and minimum inter-visibility between the development site and the other National Monuments within the site;
- Development must not adversely affect the amenity, views and landscape setting of the National Monuments;
- Extensive screen planting, or earth moving which would alter and affect the landscape setting of the National Monuments will not be considered as adequate mitigation;
- Developments which would give rise to or exacerbate ribbon development will not be permitted.
- Development must be appropriately scaled and designed, to reflect the traditional vernacular style of the area, in terms of scale, height, massing, siting, form, materials and colour. Materials shall be appropriate to the site and its setting in the surrounding landscape.

- Residential extensions shall be subordinate in size and scale to the main building and shall be no more than 100% of the existing floor area, or a total dwelling floor area of 200sqm, whichever is the lesser, as per Policy SS36 in Chapter 2 (Core Strategy & Settlement Strategy).
- That appropriate services and infrastructure are capable of being provided without compromising the quality of the landscape,
- The cumulative impact of the development will be considered in the context of existing and permitted developments.
- Agricultural buildings in existing farmyards shall be appropriately sized, designed and sited
- Appropriately designed extensions to developments for the provision of public services.

5.1.6. Section 2.19.16 relates to domestic garages and outbuildings and the following Policy is noted:

- **SS 61:** To accommodate new detached domestic garages and detached domestic outbuildings in the countryside only where the visual impact of the resultant additional building on the site is one where:
 - a. The design is coherent and the form is appropriate to the context of the existing dwelling,
 - b. The structure is separate from the house and sited in such a manner as to reduce visual impact,
 - c. The structure is visually subservient in terms of size, scale and bulk to the dwelling that it will serve,
 - d. The structure does not result in a poorly proportioned or intrusive form of building in the landscape,
 - e. The structure does not undermine the dominance of the landscape through an unacceptable cumulative level of domestic related development at the site,
 - f. The structure is used for purposes incidental to the enjoyment of the dwelling and not for any other purposes.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or immediately adjacent to any site with a natural heritage designation.
- 5.2.2. The closest Natura 2000 sites are the River Boyne and River Blackwater SPA and SAC (Site Codes 004232 and 002299), which are located c. 3km to the south and east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was submitted by Sebina Corrigan. The issues raised can be summarised as follows:
- Appellant has been refused planning permission on a number of occasions for a dwelling house on her site to the north east of the appeal site.
 - Council's actions give the impression that it pays to build without permission.
 - Council is prepared to reward law breakers under the Planning Act and to contravene its own Development Plan.
 - Appellant's last application was for a single storey house which didn't have a significantly larger floor area than the garage.
 - The Board is asked to refuse permission for this garage which has been constructed without permission in a very sensitive area (Zone 6).

6.2. Applicant Response

- 6.2.1. None.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority's response can be summarised as follows:
- All matters raised in the appeal are fully addressed in the Planner's Report.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. I consider that the key planning issues in determining the appeal are as follows:

- Design and layout.
- Cultural Heritage.
- Other issues.
- Appropriate Assessment.
- Environmental Impact Assessment.

7.2. Design and Layout

7.2.1. The garage structure for which retention permission is sought is relatively simple and utilitarian in its design and detailing, which allied with the green-coloured profiled metal cladding lends the structure an agricultural character, which is compatible with the open rural nature of the area.

7.2.2. The garage is located directly behind the existing permitted dwelling and the permitted garage, and it is not readily visible from the public road. The ridge height of the garage is also lower than the permitted garage in front of it, and it is orientated with its narrow side facing the road. I consider that this siting and orientation is appropriate and coherent, and that it serves to mitigate the visual impact of the garage and ensure its subservience to the main house.

7.2.3. The garage was in use for the storage of a number of vintage cars on the date of my site inspection and there was no evidence that it was being used for commercial purposes. Having regard to the relatively sizable (120 sq m) nature of the structure, I consider that if the Board is minded to grant permission it would be appropriate to

include a condition to ensure that the structure is used for non-habitable purposes ancillary to the main dwellinghouse and is not used for the carrying on of any business or trade or otherwise sold or let separately from the main dwellinghouse.

- 7.2.4. Subject to such a condition, I consider that the proposed development is acceptable in terms of its design, layout and visual impact and that it would be consistent with Policy SS 61 of the Development Plan.

7.3. Cultural Heritage

- 7.3.1. As noted above, the appeal site is located within Development Zone 6. This is an area where the Planning Authority seeks to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of Brú na Bóinne, the UNESCO (Tentative) World Heritage Site of Monasterboice and the Site of the Battle of the Boyne.
- 7.3.2. The Brú na Bóinne UNESCO World Heritage Site ('WHS'), which comprises both a 'Core Area' and a 'Buffer Area', is located to the south of the appeal site, with the site being located c. 250m outside of (i.e. north of) the Buffer Zone.
- 7.3.3. The Development Plan includes a number of Policies that seek to protect the WHS from inappropriate and intrusive development. With regard to the development for which retention permission is sought, I note that there is no inter-visibility between the garage and the WHS, due to the siting of the garage behind (i.e. north of) the existing permitted house and garage. Notwithstanding this, I also consider that the garage structure with its agricultural style design and materials is compatible with the rural character of the area, and that it is appropriately scaled and sited relative to the existing house. I am therefore satisfied that the development for which retention permission is sought does not adversely affect the character, setting or views to and from the Brú na Bóinne WHS and that it does not materially contravene any of the Policies set out in the Development Plan for the protection of the WHS. Finally, I note the report of the Planning Authority's Architectural Conservation Officer, who came to a similar conclusion.
- 7.3.4. I therefore consider that the development for which retention permission is sought is acceptable in terms of its impact on cultural heritage.

7.4. Other Issues

- 7.4.1. Under the terms of section 6.1 of the Louth County Council Development Contribution Scheme 2016-2021, garages and garden sheds are exempt from the requirement to pay development contributions, with the proviso that if approval is subsequently granted to convert exempt structures to separate dwelling units and/or commercial use then the appropriate levy is applicable. Having regard to the nature and use of the garage, I therefore consider that no development contributions are payable, should the Board be minded to grant planning permission.

7.5. Appropriate Assessment

- 7.6. Having regard to the nature and scale of the development for which retention permission is sought, which comprises a garage to the rear of an existing house which is not within or immediately adjacent to any Natura 2000 sites, I am satisfied that 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.

7.7. Environmental Impact Assessment

- 7.7.1. Having regard to the nature and scale of the development for which retention permission is sought, the nature of the receiving environment and proximity to the nearest sensitive locations, 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.

8.0 Recommendation

- 8.1. I recommend that retention permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the design, orientation and siting of the garage structure, and the pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or landscape amenities of the area or the residential amenities of property in the vicinity, would not have a significant adverse effect on the UNESCO World Heritage Site of Brú na Bóinne, and would not conflict with the provisions of the Louth County Development Plan 2015 – 2021. The proposed development would not, therefore, be contrary to 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, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The garage shall be used solely for non-habitable uses ancillary to the main dwellinghouse and shall not be used for the carrying out of any trade or business or sold, let or otherwise transferred or conveyed save as part of the dwelling.

Reason: In the interest of clarity.

Niall Haverty

Planning Inspector

19th November 2018

