



An
Bord
Pleanála

Inspector's Report ABP-302578-18

Development	Retain the construction of two domestic sheds, a domestic fuel store and a domestic garage
Location	Tolerton,, Ballickmoyler, Carlow,, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	17622
Applicant(s)	James Barcoe
Type of Application	Retention
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Bernadette O Neill and Patrick O Neill.
Observer(s)	None.
Date of Site Inspection	19 th of December 2018
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in the rural townland, Tolerton, Ballickmoyler, 6km north of Carlow town. The site is located alongside the Regional Road R430 and is a one -off dwelling along a line of ribbon development in the open countryside.
- 1.2. The site contains a dwelling house centrally positioned, and a number of sheds along the eastern site boundary.
- 1.3. The sheds back onto the adjoining domestic boundary to the east. There were a number of buses parked beside the sheds, and a campervan and other vehicles within the property.
- 1.4. There are clear lines of visibility at the access.
- 1.5. The site dips from the south to the north (rear boundary) and from west to east (appellants property).

2.0 Development

- 2.1 The public notices state it is proposed to retain two domestic sheds, a domestic fuel store, and to raise the roof of one of the sheds.

3.0 Planning Authority Decision

3.1. Decision

Laois Co. Co. granted the development subject to 14No. conditions. The most relevant conditions to this appeal include:

3. The use of the domestic sheds A and B and fuel store shall be for purposes incidental to the enjoyment of the dwelling and for no other purposes. No business, trade or commercial activity of any kind whatsoever shall take place from the proposed development.

7. No part of the proposed development shall encroach, oversail or otherwise physically impinge upon any adjoining property save with the prior agreement of the owner thereof.

3.2. Planning Authority Reports

3.2.1. PLANNING REPORTS

16/01/18

- Third party submission outlined
- Relevant development plan policy cited as Section 5.6 Entrepreneurship, ECN15 – Homebased activities, Regional Roads, Roadway standards and maintaining Strategic Routes.
- The development is located is located within a hills and upland area considered to be a stronger rural area.
- The applicant has sought to retain 4No. structures, and one appears to be for the maintenance of the buses. The use of parking buses on the site has not been included in the application.
- The regularising of the development on the site can only be supported if the development will not have a negative impact on environment, traffic and residential amenities. That it will not impact on the Regional Road. Further information is required.
- The works will not result in overshadowing. The raising of the roof is considered to be a minor alteration.

FURTHER INFORMATION 17/01/2018

The retention of the structures for domestic use only fails to address environmental issues, traffic and residential amenities, the impacts on the Regional Road and satisfactory sightlines.

Details of staff, hours of operation, maintenance on site, waste and noise to be addressed.

Submit registration numbers of buses and movements in and out of site.

Regional road/ Sightline issue.

The response from the applicant stated there is light maintenance of vehicles carried out on site within the sheds, most repairs and servicing are carried out at garages in Carlow town.

14/08/2018

- Following an Enforcement file, U.D. 17/64 a number of issues were identified as been unauthorised on the site including the operation of a bus business on site. The shed addressing the road contains a service pit, and appears to be used for the onsite maintenance of vehicles. Following a request for further information, the applicant responded and the following is an assessment of the issues raised.
 - 90% of the business is school runs in the general locality;
 - The fleet has been downsized to 5No. buses
 - The existing garage and pit is for inspection of vehicles and light maintenance such as changing bulbs. Servicing and major repairs are carried out in Carlow town.
 - There are sightlines up to 180metres in both directions at the access.
- Permission is recommended.

3.2.2. Other Technical Reports

No objections raised to the proposed development from internal departments.

3.3. Prescribed Bodies

The application was not referred to prescribed bodies.

3.4. Third Party Observations

The neighbours to the east objected to the retention of the development on the grounds:

- The garage is blocking the evening sun
- There is a business been carried out on site affecting their water
- Some buildings are imposing onto their site

- The garage is not been used for domestic purposes, but used to to repair and service vehicles.

4.0 Planning History

There is no relevant planning history.

5.0 Policy Context

5.1. Development Plan

Laois County Development Plan 2017-2023 is the relevant development plan. There are no relevant policies relating to domestic sheds in the development plan.

Appendix 7 Rural Housing Design Guide

Extensions and Garages

The addition of outbuildings or extensions can be one of the most controversial parts in the design of a house. The key objective is ensuring that the main house is clearly seen as the dominant element. The scale and detail of additions, garages in particular, should match the balance of the house and be subservient to it. With larger houses, detached garages may be more suitable, located discreetly to the rear or side of the main building. Extensions and garages should generally be built with similar materials to the existing house. Flat roof extensions should be avoided where they would conflict with the style of the main building. Over-scaled garage doors and the use of artificial materials should generally be avoided

5.2. Natural Heritage Designations

Special Area of Conservation: River Barrow And River Nore SAC

SITECODE 002162

SITE_NAME River Barrow And River Nore SAC

The site is in excess of 15km from the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

The sheds are not domestic sheds, there is a substantial business been carried out in them.

As constructed, proper maintenance of the site is not possible without impingement onto their property, and there is no consent to do so.

The owner has ten buses, repairs and services are been carried out on all of the buses at irregular intervals and late at night.

There are large quantities of waste oil, which could impact on their water supply.

6.2. Applicant Response

The applicant has responded stating he has a licence and insurance to run 5No. buses. The sheds and the business have been up and running for over ten years. The maintenance of the buses is carried out off site.

The neighbours also run a bus and taxi service from their property, and the oil leak could have occurred there.

There is planting to the rear of the structures which is taller than the sheds and casts a shadow on the neighbouring property.

The submission is accompanied by receipts form the different garages servicing the buses and providing tyres.

6.3. Planning Authority Response

There was no further comment.

7.0 Assessment

7.1. The subject site is located in a rural area 6km north of Carlow town, in the middle of a row of one off houses aligning the Regional Road (R430). On the site there is a one off single storey dwelling with an individual sewage treatment system. On both sides of the subject site, there are dwellings. The footprint of the subject site, is

0.25Ha, which it is larger than the neighbouring residential curtilages. During my inspection, I noted a considerable number of commercial vehicles parked on the site.

- 7.2. The subject of this appeal, is the retention of 4No. 'domestic' sheds' which are positioned along the eastern site boundary. The first shed is positioned closest to the access to the site and includes large metal doors and a pit inside (used for vehicle checking/ repair). There are two additional attached stores and a fuel store, which is open and is similar to a lean-to structure. The entire development appears as one large block along the eastern site boundary. All of the structures back onto the eastern site boundary. The third-party appellants reside in the adjoining dwelling to the east of the subject site.
- 7.3. The planning application has come on foot of an enforcement case over an alleged commercial bus company on the site. The appeal file states the applicant has been in business for over ten years, and the sheds are in existence over ten years. His current business consists of 5No. buses which are mainly used for local school runs. The pit in the first shed is used to check the buses on a weekly basis and change bulbs etc. The appeal file states, the first shed is for minor works and the main servicing of the buses occurs at garages off site.
- 7.4. The planning decision to grant permission for retention of the structures and to increase the roof height on one of the sheds, included 14No. conditions, including a condition that sheds A and B shall be used solely for purposes incidental to the enjoyment of the dwelling and for no other purpose. There is no condition attached associated with the use of the garage, fuel store or the residual site area.
- 7.5. I examined the development from within the subject site and the neighbouring site to the east. Having regard to the layout and building line of the subject sheds, I consider the most notable impacts occur to the neighbouring property to the east. The sheds and the bus parking are clearly visible from the neighbouring site, and the difference in heights, boundary treatment and building specification, create, in my opinion, an unsightly aspect from the neighbouring property. The Board should note, the ground levels decrease from the roadside to the rear of the subject site, and the subject site is at a higher ground level than the neighbouring property to the east. There is open countryside to the north, and the buses and sheds are clearly incongruous to the rural setting given the siting and layout of the one-off dwellings in

the vicinity. Furthermore, it appears to me, the bus parking and activities associated with the sheds create a greater impact on the house to the east than the applicants own dwelling because the sheds and the bus parking appear to be over-scaled and inappropriate when viewed from the neighbouring property. I consider there is excessive level of development on the subject site given the permitted use of the site is for a one-off dwelling, and this is creating a visual intrusion on the landscape which detracts from the rural character and visual amenities of the area.

- 7.6. The application and appeal documents clearly state there is a commercial bus business operating on the subject site (5No. in total), and state that checking and small repair works to the buses is carried out within one of the sheds the subject of this appeal. Servicing and other major works are carried out at garages in Carlow town, and there is evidence on file provided by the applicant to demonstrate this. In my opinion, the public notices and the planning application do not reflect the use of the property. Although enforcement issues are beyond the remit of the Board, given the content of the appeal file, I consider certain conditions attached to the permission are unenforceable. Based on submissions made in connection with the planning application and the appeal, and general observations on site, it appears the use of the structure may not be as described in the submission documents and may in fact be unauthorised. Accordingly, it is considered it would be inappropriate for the Board to consider a grant of permission for the development under such circumstances.
- 7.7. The layout, use and cumulative design of existing 4No. sheds and proposed adjustment to one of the sheds is not in keeping with the height, design and use of domestic sheds/ garages, one of which includes a pit. I consider the development is visually incongruous to the rural setting.
- 7.8. The subject development is accessed from a Regional Road which is a designated strategic route in the current Laois County Development Plan 2017-2023. The sightlines and level of traffic were addressed by the planning authority and assessed in detail, which is conflicts in my opinion, to the permitted use of the sheds for “domestic” purposes and the perceived use of the property for commercial bus business. I consider the sightlines to be adequate at the access, however, the existing access is a domestic recessed entrance, and does not cater for a commercial bus business. The applicant was requested to clarify the alleged unauthorised uses on the site by way of further information, however, the additional

public notices submitted on 25th of July 2018, did not address same. Therefore, there are outstanding issues relating to the use of the entire property.

7.9. **Appropriate Assessment**

Having regard to the nature and scale of the development for which retention permission is sought, and noting the context of the appeal site and its location outside of any Natura 2000 sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the 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. I recommend the decision of the planning authority to grant planning permission for retention and extension of the development be overturned and the development be refused for the following reason:

9.0 **Reasons and Considerations**

Having regard to the open character of the rural landscape, the largely residential nature and pattern of development in the vicinity of the site, the scale and use of the existing development on the site, it is considered that the development proposed for retention and alteration of the development, by reason of its scale, bulk and mass, would result in an excessive intensity of development on the site. The development proposed for retention and completion would, therefore, result in an inappropriate scale and density of development which would be visually obtrusive, would detract from the character and amenities of the area, and would set an undesirable precedent for similar developments. The development proposed for retention and construction would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

3rd of January 2019

