



An
Bord
Pleanála

Inspector's Report 303201-18

Development	Retention of sheds to side and rear of house
Location	The Lodge, Drombanny, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	18/208
Applicant(s)	Derek Sheehan
Type of Application	Planning permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Patrick Leahy
Observer(s)	Reps of Late William Cooney
Date of Site Inspection	5 th February 2019
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** Drombanny is located to the south of the M7, to the east of the M20 and to the southwest of the N24 Tipperary road. It is a largely rural area located between the R511 (Fedamore Road) and the R512 (Kilmallock Road), just outside the built-up area of the city. The site forms part of a residential cul-de-sac which is accessed off the R512 and lies to the east of the regional road. The cul-de-sac comprises a small development of approx. 10 detached houses, mainly bungalows on generous plots. The appeal site is located near the end of the cul-de-sac, where a row of three houses back onto agricultural fields. The appeal site is at the western end of the row. The appellant's property is located immediately to the east, in the middle of the row.
- 1.2.** The site area is given as 0.19ha. It comprises a large bungalow, set back c.20m from the cul-de-sac road, with a front garden incorporating a driveway and a substantial rear garden. The site is bounded to the northwest by an agricultural field and to the rear (north-east) by a further agricultural field, both of which are in the ownership of the Observer. This boundary is defined by a concrete fence. There is a painted timber fence, with vehicular access gate, separating the front and rear gardens to the east of the dwelling and a further vehicular gate to the west of the house. To the rear of the house, there is a large 'open shed' which adjoins the rear boundary and forms the boundary with the appellant's property to the east. There is a further shed adjoining this structure, closer to the house, which also abuts the eastern boundary of the property. On the western side of the garden there is a chicken coup enclosure. The open shed is used for storage of miscellaneous domestic items and the enclosed shed is used as a domestic laundry/utility room. The bungalow has recently been extended to the rear.
- 1.3.** The appellants' house is also a bungalow, which is set back a similar distance from the cul-de-sac road but is sited closer to the eastern boundary of that site. The rear of this property also abuts the agricultural field behind the appeal site. The majority of the western boundary of the appellant's site is defined by the sheds on the appeal site. There are also two sheds on the appellant's site which are close to the common boundary, but these sheds do not abut the mutual boundary.

2.0 Proposed Development

- 2.1.** It is proposed to retain the two sheds, the combined floor area of which is given as 143m². However, the combined floor area, taken from the stated dimensions on the submitted plans, is estimated at 149.9m², with a combined length along the boundary of 25.5m. The submitted drawings show that the open shed is 16.7m in length and just under 7m in width (116.7m²). The rear elevation is open and adjoins the concrete fence with the agricultural field beyond. The remainder of the elevations, apart from the eastern one, are also open, but the smaller shed adjoins the southern end. The eastern elevation is comprised partly of the existing concrete block boundary, wall with metal sheeting on top and guttering along its full length. The height on the boundary is given as 3.12m. The roof of the open shed, which extends over the smaller shed, is a shallow mono-pitched roof of corrugated metal cladding.
- 2.2.** The smaller structure is a pre-fabricated shed with a light metal finish to the external walls. The dimensions of this shed are given as 8.8m x 3.77m (33.2m²). This structure has two windows and a door on the north-western elevation. However, the shed seems to be encased within a continuation of the roof of the larger structure and an outer wall (of metal cladding) on the southern side. A second door appears to have been inserted into the outer wall. The concrete block boundary wall with the appellant's property has been increased in height for a short distance just to the south of this outer wall, to a height of at least 2m.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 4 conditions.

Condition 2 required the developer to submit an Engineer's Report for the agreement of the P.A., within one month, indicating that the surface water generated on site is adequately dealt with within the boundaries of the site, which shall include photographic evidence.

Condition 3 restricted the use of the sheds to domestic purposes for the enjoyment of the main dwelling only and prohibited use for commercial or habitable purposes or for the housing of animals.

Condition 4 prohibited the overhanging of any rainwater goods over any party boundary or adjoining property and required the submission of a Certified Engineer's Report to this effect within a month of the decision.

No development contribution was required.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report (20/04/18) noted the submissions from the appellant and the observer, which had raised issues relating to waste water disposal, use of structures, size/scale of structures and impact on residential amenity. It was also noted that there are current warning notices regarding unauthorised sheds on both the appeal site and on adjacent lands. It was observed that the applicant had failed to provide any information on the purpose or proposed use of the sheds and why such a large floor area is required. Concern was also raised regarding the agricultural/commercial appearance, which would not be appropriate in a residential area, as well as the external finish and treatment. The surface water drainage was also highlighted as a concern. A Further Information request based on the above was issued on 26/04/18. The Area Planner was satisfied with the response and recommended permission be granted.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third party observations

3.4.1. The observation from the appellant is generally similar to the grounds of appeal. Issues raised principally related to use of inaccurate drawings, (dimensions incorrect

and failure to indicate that the structure is built on the boundary wall), unauthorised wastewater discharge onto adjoining lands, lack of information regarding use of sheds, objection to any commercial use and impact on residential amenity (outlook and sunlight). Photographs were enclosed.

- 3.4.2.** The observation from the third-party observer to the rear (Estate of Late William Cooney) related principally to the wastewater disposal arrangements which were considered to be totally unacceptable. It was stated that there was evidence of surface water being discharged directly onto their lands as there is a pipe coming from the roof which discharges through a hole in the fence. Photographs were attached to demonstrate. It was requested that all wastewater be managed and discharged within the site boundaries.

3.5. Response to FI request

- 3.5.1.** The further information submitted on 24th October 2018 included a photographic survey, a planning statement and dimensioned drawings. It is stated that:

- A soakaway and a soakpit are shown on drawings to deal with rainwater surface water runoff.
- The cladding finish to the outbuildings is very similar to the wall and roof cladding on the outbuildings on the appellant's property. The height of the outbuildings on each of the sites is also similar.
- Use of smaller structure – laundry for household clothing (washing machine and tumble drier installed) and also used for storage of some household items.
- Use of larger structure – storage of larger garden utensils e.g. ride-on lawn mower, strimmer, forks, shovels, plant pots, as well as bikes, footballs, toys, a trampoline, swings, etc. the shed is also used for children's play during inclement weather.

4.0 Planning History

- 4.1.** None.

5.0 Policy Context

5.1. Limerick County Development Plan 2010-2016 (as extended)

5.1.1. The site is zoned Residential, the objective for which is to provide for residential uses and associated uses. Chapter 4 contains the policies and objectives relating to housing including the following -

HOU P3 seeks to promote high quality living environments in the interest of quality of life and sustainable communities.

5.1.2. Chapter 10 contains **Development Management Standards**.

10.5.4 Residential Development in Rural Areas – The standards relate to low density residential development in rural areas. The following extracts from the policy are considered relevant:

- The overall guiding principle is sustainability. The residential development must fit integrate with the countryside in terms of location and fit into a rural backdrop.
- Site size minimum 0.2ha. no minimum garden size but area of hard landscaping will be limited.
- Surface water shall be discharged to soakpits and not allowed to flow onto public roads or adjoining properties.
- Dwelling houses should respect their location in terms of height, scale, materials used and external finishes

5.2. Natural Heritage Designations

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 5km to the northeast and 7km to the northwest.

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeal was submitted by the neighbouring resident to the east. The main points raised may be summarised as follows:

- The structures are unauthorised and is a nuisance. It has been under construction for a considerable period of time (since 2016), despite his genuine concerns, which have been brought to the attention of the P.A. prior to and during consideration of the planning application for retention. Copies of correspondence is attached and the Board is referred to this correspondence in support of the appeal.
- The proposed development is excessive in scale and size with a sloping roof directing rainwater onto his property.
- The P.A. decision does not adequately address the concerns raised by the appellant. The conditions requiring all surface water to be disposed of on site and the prohibition on overhanging gutters, downpipes etc. cannot be adequately assessed by an engineer. It will be impossible for an Engineer to certify the works unless major alterations are made to the roof, gutters and downpipes as well as to the unauthorised cladding which has been erected on the concrete block wall.
- The overhanging gutters and downpipes block sunlight and his view.

The correspondence submitted to the P.A. generally reflects the grounds of appeal but also raises the following issues –

- The open structure and its metal cladding is inappropriate in a residential area due to its scale and obtrusive nature and its industrial appearance. The inappropriateness of attaching cladding to the boundary wall is clear.
- Injury to residential amenity by reason of being visually obtrusive, overbearing, and loss of privacy. It has ruined his outlook (views of countryside) and access to natural sunlight.

- The cladding is catching the rain water when the prevailing winds are such and thus directing water from the entire face of the building onto his property. The gutter along the length of the structure is incapable of collecting and discharging the roof water. Even if extra down pipes were installed, they would then be overhanging his property. How can the amount of surface water that would be generated by discharged within the site?
- The use of the structure is unclear. Any commercial use would be unacceptable. Most domestic properties can be adequately served by 25m² of storage space.

6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

6.3. Third Party Observations

- 6.3.1.** An observation was submitted by the Representatives of the Late William Cooney (14/12/18). Serious concerns are raised regarding the ability to ensure that surface water generated by the development can be adequately dealt with within the boundaries of the site. There is evidence of discharges from the development onto their lands. A pipe from the roof of the shed discharges through a hole, illegally cut in the boundary wall. Photographs are enclosed to demonstrate the point.

6.4. First party response to grounds of appeal

The first party responded to the grounds of appeal on 17/01/19. The response was mainly in the form of a rebuttal of the grounds of appeal. Two photographs were provided in support of the proposal. The following points are of note:

- The existing rear garden is 750sq.m and the floor area of the sheds is c. 150m². A recently constructed extension, (exempted development) has reduced the remaining garden area to c.670m². However, the minimum open amenity area is 25m², which is exceeded significantly in this case.
- There are no openings in the neighbour's side of the sheds and hence no overlooking issues.

7.0 Assessment

It is considered that the main issues arising from the appeal are as follows:-

- Impact on residential amenity
- Adequacy of surface water drainage arrangements

7.1. Residential Amenity

- 7.1.1.** The main elements of concern are the scale and size of the shed, visual impact, the loss of outlook and privacy and the potential use of the structure. The scale of the structures is unusually large for a domestic setting. The depth (25.5m) represents 50% of the depth of the site and approx. 90% of the depth of the rear garden. It is continuous along the mutual boundary at a height which exceeds 3.0m. Although the area to the amenity rear of the dwelling house is quite substantial for a domestic property, at 726m², it is by no means unusually large in the context of residential properties within the cul-de-sac development. This area has been reduced by both a recent extension of the dwelling house and by the structures the subject of the appeal (150m²), but is still a generously sized rear garden area.
- 7.1.2.** It is considered that the combined scale and depth of the two outbuildings along the common boundary is excessive for a domestic garden context. It results in a visually obtrusive feature by reason of its height, mass and bulk. The rudimentary and utilitarian nature of the metal cladding also gives the structure an industrial appearance. The height of the structure is akin to a single-storey building and the combined depth is greater than the length/depth of either of the established dwelling houses on the appeal/appellant's sites. The siting of the structures along the length of the eastern boundary is not justified in terms of the size/layout of the remainder of the site. This is exacerbated by the fact that the cladding is attached to the boundary wall. I would agree that the open shed structure is overbearing and visually obtrusive and that it has an adverse impact on the visual amenity and outlook from the appellant's rear garden. Although the smaller structure is located behind the appellant's sheds, the elevation facing his property is unsightly as it consists of a prefabricated shed which is partially encased within metal cladding.

7.1.3. The structures do not overlook the appellant's property and it is considered that they do not result in any significant levels of loss of privacy. I would accept that the intended use of the structures is purely for domestic use and it is noted that the P.A. had restricted the use as such by means of condition. Should the Board be minded to grant permission, it is considered that a similarly worded condition should be attached to any such permission.

7.1.4. It is considered that the visual amenity could be improved by reducing the scale, height and continuous depth of the structure and unrelieved continuous wall of metal cladding along the boundary, in addition to the removal of the encasing cladding around the prefabricated shed. However, the applicant has not offered any such revisions to the structures.

7.2. Adequacy of surface water drainage arrangements

7.2.1. The outbuildings, together with the recently constructed extension, have significantly increased the impermeable surface on the site. It is not clear whether the surface water drainage system on the site has been enhanced accordingly to ensure that all surface water can be adequately discharged/disposed of within the site boundaries. However, the site area is large and there does not appear to be any technical reason why adequate surface water drainage could not be provided on site.

7.2.2. The collection of the surface water is, however, a bit more problematic. At present it would seem that all of the rainwater falling on the roof drains to a gutter which stretches along the entire length of the two outbuildings (25.5m). The collected surface water then drains into a downpipe which has been fitted in the north-western corner of the open structure. It is noted from photographs submitted by the observer that this downpipe had previously discharged into the adjoining field through a hole in the fence. However, I can confirm that it now discharges into a further pipe which runs along the inside of the open structure adjoining the boundary with the field, and discharges to a soakaway in the garden of the appeal site.

7.2.3. Whether this arrangement, which seems a bit makeshift, is adequate to ensure that all surface water drainage is discharged within the confines of the site is difficult to assess. However, I would accept that the matter could be conditioned requiring the submission of a fully detailed surface water drainage system design to the P.A. for its

approval within one month of the grant of any permission, and which ensured that an adequately sized and designed system is provided on site within a further month.

7.2.4. However, what would be more difficult to achieve would be the prevention of the overhanging of such a guttering system of the neighbouring property. Given the unrelieved length of the structure on the boundary, it is considered that it would be unreasonable to impose a solution which included gutters overhanging the adjoining neighbour. It is considered, therefore, that in order to successfully resolve the surface water drainage issues, the structure should be set back from the boundary to ensure that no guttering/pipes overhang the adjoining garden. This would require the removal of the metal cladding from the boundary wall and the dismantling and relocation of the open shed away from the boundary. Although the Board could decide to condition this, if it was minded to grant permission, it would not resolve the visual and residential amenity issues discussed above.

7.3. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.4. Appropriate Assessment

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 5-7km to the northwest and northeast. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established area, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1 It is recommended that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the scale, height, mass and bulk of the sheds proposed to be retained, together with the continuous unrelieved wall of metal cladding which is attached to the boundary wall and stretches along the eastern boundary for a distance of 25.5m, with overhanging guttering, it is considered that the proposed development would result in a visually obtrusive and monolithic structure which would seriously injure the visual and residential amenities of the adjoining property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied, on the basis of the information submitted with the application and appeal, that the surface water generated by the proposed development can be adequately managed and disposed of within the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

28th February 2019