



An
Bord
Pleanála

Inspector's Report ABP-304411-19.

Development	Permission for the retention of minor physical external changes to existing multi-purpose commercial (office and light industrial / Class 4) building.
Location	Knockgraffon, Cahir, Co. Tipperary.
Planning Authority	Tipperary County Council.
Planning Authority Reg. Ref.	18/600949.
Applicant(s)	Andy Hennessy.
Type of Application	Retention permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Andy Hennessy.
Observer(s)	None.
Date of Site Inspection	6 th August, 2019.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Knockgraffon approximately 5.5km to the north of the town of Cahir in Co. Tipperary. The site lies to the east of the M8 motorway and access to the site is over the existing road network. The site is located in a rural area which is characterised by a small number of one-off houses and farms.
- 1.2. The existing site comprises a traditional two storey 5-bay house with pebble-dashed outbuildings framing the building to the public road. The building the subject of this appeal is located to the right of the house (when viewed from the public road). There is a further collection of agricultural buildings located to the north east of the building the subject of this appeal which appear to be used either in connection with the Senator Window business which operates from the building the subject of this appeal or agriculture, or both.
- 1.3. The building the subject of the appeal comprises a single storey, slated pitched roofed shed, which has a stated floor area of 89.44m² and is used as a showroom for Senator Window products. The building has been modified to provide for a reception area and office, as well as modifications to openings and the inclusion of new windows. The area the subject of the retention application amounts to approximately 50m². The remaining floor area comprises 2 office areas.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of minor physical external changes to existing multi-purpose commercial (office and light industrial / Class 4) building, namely:
 - a) Original solid timber workshop doors replaced with predominantly glass Alu-Clad on the north eastern elevation, inclusion of roof windows on the south western pitched roof slope and construction of a large feature window on the south eastern roadside elevation/gable in lieu of original small high level unit, and all associated works;
 - b) Permission for development for change of use of the existing Light Industrial (Class 4) portion of the existing building as a Dedicated Commercial Storage area ancillary to the existing office located within the same building;

all at Knockgraffon, Cahir, Co. Tipperary.

- 2.2. Following a request for further information, the Board will note that the applicant proposes to replace the existing septic tank with a new 'Euro Tank' secondary treatment system and to discharge the treated wastewater to a soil polishing filter by low pressure system. This WWTP system is to be located outside the identified site boundaries and no landholding map has been submitted. A letter of consent has been provided from the relevant landowner, being the appellants mother. This element of the development was not advertised in public notices.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the proposed development, for the following 4 stated reasons:

1. The Planning Authority is not satisfied, on the basis of conflicting and limited information submitted, that the proposed change of use of part of the premises for use as commercial storage would meet the requirements of Section 5.6.2 (Enterprise in the Open Countryside) and Policy ED9 (Enterprise in the Open Countryside) of South Tipperary County Development Plan 2009, as varied. The proposed development is therefore considered to be contrary to the policies and objectives of the South Tipperary County Development Plan 2009, as varied, and the proper planning and sustainable development of the area.
2. The proposal seeks permission to retain works to and materially change the use of a building that has already been the subject of unauthorised development, consisting of the material change of use of the building from commercial vehicle repair, garage, workshop to public display showroom for senator window products. The proposal would therefore constitute an undesirable precedent for permitted a development that facilitates and is facilitated by unauthorised development. Accordingly, the proposal would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would result in additional traffic stopping and turning movements onto the public roadway serving the site at a point where sight lines are substandard. The Planning Authority considers the proposed development would therefore endanger public safety by reason of a traffic hazard. Therefore, the proposed development would not meet Policy MD 1 (Development Standards) of the South Tipperary County Development Plan 2009, as varied and would be contrary to the proper planning and sustainable development of the area.
4. The waste water treatment proposals are not included for in the development description and are not contained within the application site boundary. The Planning Authority is not satisfied on the basis of the information submitted, that effluent from the proposed development would be satisfactorily treated or disposed of on site. Therefore, the proposed development would not meet Policy DM 1: Development Standards of the South Tipperary County Development Plan 2009, as varied. The Planning Authority is therefore not satisfied that the proposal would not result in the creation of a public health hazard and it is therefore considered that the proposal would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report considered the detail and nature of the proposed development, together with submissions made in relation to the proposal, as well as planning history in the area and policy requirements. Following a request for further information, the report formed the basis of the Planning Authority's decision to refuse permission for the stated reasons above.

3.2.2. Other Technical Reports:

District Engineer: Raised no objections to the proposed development.

3.2.3. Prescribed Bodies:

None.

3.2.4. Third Party Submissions:

None.

4.0 Planning History

PA ref: 13/354: Permission refused on the 17th January 2014 for retention of minor external changes to existing home/farm office and vehicle repair and maintenance workshop / garage namely original solid timber workshop doors replaced with predominantly glass AluClad units on the north elevation, inclusion of roof windows on the southern pitched roof slope and construction of a large feature window on the eastern roadside elevation /gable in lieu of original small high-level unit. Change of use of vehicle repair and maintenance workshop / garage area to permanent public display and information area for external windows and doors and all associated site works.

The reasons for refusal were as follows:

1. It is considered that the nature of the proposed development in the absence of any proven reason for its location in the open countryside constitutes a haphazard form of development that would be more appropriately located in a nearby town, village or settlement where the development can be accommodated on zoned lands.

In addition, it is considered that the proposed development, by reason of its nature would set an undesirable precedent for further development of this nature in the open countryside. The proposed development would therefore materially contravene the policies and objectives of South Tipperary County Development Plan 2009 where they relate to open countryside enterprise and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the failure to demonstrate adequate sight distances at the proposed entrance it is considered that the proposed development would detract from the safety of existing road users in the area. The proposed development would result in the creation of a traffic hazard and would,

therefore be contrary to the proper planning and sustainable development of the area.

PA ref 17/600411: Permission refused on the 12th June 2017 for retention of minor external changes to existing multi-purpose building, namely, original solid timber workshop doors replaced with predominately glass Alu-Clad units on the north eastern elevation, inclusion of roof windows on the south western pitched roof slope and construction of a large feature window on the south eastern roadside elevation, gable in lieu of original small high level unit and all associated works

The reason for refusal was as follows:

1. It is considered that the proposal to retain works to a building that has been the subject of unauthorised development, consisting of the material change of use of the building from commercial vehicle repair, garage, workshop to public display showroom for senator window products for which no record of a grant of planning permission exists. This would constitute an undesirable precedent for permitting a proposal that facilitates unauthorised development. Accordingly, the proposal would be contrary to the proper planning and sustainable development of the area.

ABP ref PL92.RL3512: This referral, decided on the 27th July 2017, related to the following question: 'Whether change of use from commercial vehicle repair/garage/work shop to public display area for external window and door samples is or is not development or is or is not exempted development.'

The Board concluded that the proposal involves the change of use from class 4 use as a light industrial building to class 1 use as a shop, and ultimately determined that the changes constitute development and not exempted development.

PA ref 19/600362: Planning permission is sought a) raise roof of existing north east wing of house b) install dormer window c) convert attic space to habitable space to include walk-in wardrobe and ensuite bathroom d) refurbish and convert existing ground floor space to games room f) and all associated works. This application relates to the residential house on the current site and is currently subject to a further information request by Tipperary County Council.

5.0 Policy Context

5.1. Development Plan

5.1.1. The South Tipperary Development Plan 2009 (as varied) is the relevant policy document pertaining to the subject site which is located in the open countryside within Co. Tipperary. Chapter 5 of the Plan deals with Economic Development and section 5.6.2 relates to Enterprise in the Open Countryside. In this regard, the following are considered the relevant policies relating to the proposed development:

- Policy ED9: Enterprise in the Open Countryside
- Policy ED10: Non-Conforming Uses

5.2. Natural Heritage Designations

The site is not located within any designated site. The site is located approximately 2.5km to the east of the Lower River Suir SAC (Site Code 002137) and the Galtee Mountains SAC (Site Code 00646) is located approximately 10.5km to the west of the site.

5.3. EIA Screening

Having regard to nature and scale of the 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.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of the Planning Authority to refuse permission for the proposed development. The grounds of appeal are presented in two parts and are summarised as follows:

- The appellant accepts that a change of use is involved but it is submitted that the use will reduce the impacts of the previous use and therefore it is appropriate for the Board to grant permission.
- The previous use as a garage/vehicle repair facility could continue and would have greater impacts.
- Traffic volumes will be low to the site with no more than 5-10 visitor trips and no more than 1-2 small commercial vehicle traffic.
- There will be virtually no waste associated with the proposed use.
- Water and wastewater demands will be minimal.
- There will be no additional noise associated with the proposed use.
- The change of use has involved the refurbishment and attractive remodelling of an existing building.

In terms of the reasons for refusal, the appeal is summarised as follows:

Reason 1:

- The reason is very unsatisfactory as it gives no indication of the nature of the conflicting information provided and why it is considered limited.
- Full information has been provided and it is difficult to address unclear issues considered by the PA.
- Policy supports small-scale enterprises being located in rural areas and it is submitted that the proposed development meets all of the criteria of ED9.
- Policy ED10 envisages the continued existence and even expansion of enterprises in the countryside provided certain conditions are met.

Reason 2:

- It is an inappropriate reason and likely to be illegal and invalid as it implies that retention applications can never be granted.
- It is requested that the Board dismiss this reason as invalid.

Reason 3:

- The appellant is concerned that the PA has not fully considered the proposals submitted in relation to traffic safety.
- The change of use is likely to reduce traffic movements rather than result in additional stopping and turning movements.
- The District Engineer has no objections to the proposal.

Reason 4:

- In relation to reason no. 4, the appellant submits legal documents to prove the appellant has way-leave to the existing and proposed treatment system as per agreement with his mother.

It is requested that the Board overturn the decision of the Planning Authority and grant permission for the retention of the development. The appellant is happy for the Board to impose conditions to ensure that the development is used as proposed.

6.2. Planning Authority Response

6.2.1. The Planning Authority has responded to this first party appeal referring the Board to the planning report on file. It is considered that the decision to refuse permission for the stated reasons are reasonable in the context of the limited and conflicting information submitted in the reply to the further information request. The appeal notes the proposed commercial storage area will include for the display of construction products that will be viewed by potential customers. The relationship between the proposed use to the existing use of the premises as a showroom (which has been identified as a shop by the Board under RL3512) has not been addressed in the appeal. The proposed use should be clearly outlined in the public notices and development description. The description provided under the application does not cover the use of the premises as a shop.

6.2.2. It is submitted that the Planners report clearly outlines the conflicts and limitations of the information provided. In terms of access and wastewater disposal, the issues were fully examined by the Planning Authority and concerns remain. The

proposals are convoluted and impractical, are not fully contained within the application site and are not included in the development description.

6.3. First Party Response to Planning Authority Response to First Party Appeal

6.3.1. The established use for the building is Light Industrial which could continue on site without interference from the Planning Authority. Windows could be manufactured, repaired and stored. It is submitted that while the proposed commercial storage area will include for the display of construction products that will be capable of being viewed by potential customers, it is considered unfair to describe the existing proposed use as a showroom. Given the definition of a shop, it is of great concern that the 'Planning Authority continue to describe the existing use of the premises as a showroom and suggest that the development should be described as a shop'. It is submitted that the nature of the use of the premises in no way replicates what would generally be described as a shop as demonstrated in the definition provided in the Planning & Development Regulations.

6.3.2. In terms of the other issues, it is submitted that the matter could have been dealt with by way of re-advertising the application. Given that the effluent treatment system has been in existence prior to the introduction of the Planning & Development Act 1963, the applicant is under no obligation to address the issue of the system. Any proposal to upgrade it should be supported.

6.4. Observations

None.

7.0 Assessment

Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, and proposed development, I suggest that it is appropriate to assess the proposed development under the following headings:

- Planning History & Procedural Issues
- The principle of the development and compliance with policy
- Reasons for Refusal
- Appropriate Assessment

7.1. Planning History & Procedural Issues

7.1.1. I consider it reasonable to address the planning history of the subject site in terms of the subject appeal. The Board will note the continuing argument of the appellant that it is 'considered unfair to describe the existing proposed use as a showroom. Given the definition of a shop, it is of great concern that the Planning Authority continue to describe the existing use of the premises as a showroom and suggest that the development should be described as a shop. It is submitted that the nature of the use of the premises in no way replicates what would generally be described as a shop as demonstrated in the definition provided in the Planning & Development Regulations.'

7.1.2. In terms of the above, I refer the Board to the referral ABP ref PL92.RL3512, which relates to the subject site and structure. This referral, decided by the Board on the 27th July 2017, related to the following question: 'Whether change of use from commercial vehicle repair/garage/work shop to public display area for external window and door samples is or is not development or is or is not exempted development.' The Board concluded that the proposal involves the change of use from class 4 use as a light industrial building to class 1 use as a shop, and ultimately determined that the changes constitute development which is not exempted development. In this regard, the opinion of the appellant has been considered and the Board has disagreed. The use of the building is as a 'shop' for the purposes of the Planning & Development Regulations, 2001 as amended.

7.1.3. In addition to the above, and having undertaken a site inspection, it is clear that there have been other developments on the site which do not appear to have the benefit of planning permission. The Board will note the site layout plans submitted in support of the response to the further information request differ from the plans submitted initially, particularly with regard to the 'existing farm building' located to the north of the current subject building. An examination of 'Google Maps' shows a very different agricultural building on the site. It would appear that the original building burned down and was replaced by the current building. I am unclear if this structure is used in association with the window business to manufacture or store the products displayed in the building the subject of this appeal, but I did note a significant pile of damaged / broken / old PVC type products, including windows and doors, discarded outside the building to the north. In any case, I am satisfied to focus my assessment on the subject appeal details.

7.1.4. With regard to procedural issues, I would agree with the applicant that the development should have been re-advertised to include an appropriate description of the use sought, as well as the issues around wastewater treatment and disposal. However, given the applicant's resistance to accept the description of the use of the building as a showroom, I accept that the Planning Authority had few options. The appeal before the Board seeks retention permission for the change of use of the existing light industrial (Class 4) as a dedicated commercial storage area ancillary to the existing office. I further have concerns that the application only relates to part of the subject building given that the use of the office – which was originally used, permitted by reason of their use prior to 1963, for the farm, and then the garage uses – supports the currently unauthorised use of part of the building. As such, a grant of permission would not regularise or include the full use of the building for the purposes sought by the applicant, in my opinion.

7.1.5. On the date of my inspection, I attended at approximately 5.30-6pm, the building was closed and no-one was present on the site. On the door, however, was the opening times of the building – 9.30am – 5.00pm Monday to Friday, and by appointment only in the evenings and on Saturdays. The building is used to show senator window products to visiting members of the public and its use as such requires to be regularised in accordance with the determination of the Board on the previous referral relating to the development. The clear description of the use of the

building as a showroom for Senator Window products, would benefit all parties in my opinion in that any decision in relation to the use will be clear and unambiguous, with the potential to attach enforceable conditions of permission. Should the Board be minded to grant permission in this instance, the development requires to be re-advertised.

7.2. The principle of the development and compliance with policy

7.3. The subject site is located within a rural area of Co. Tipperary, approximately 5.5km to the north of the town of Cahir. In the context of appeal before the Board, I propose to address the two elements of the development separately.

Permission is sought for the retention of minor physical external changes to existing multi-purpose commercial (office and light industrial / Class 4) building, namely:

- a) Original solid timber workshop doors replaced with predominantly glass Alu-Clad on the north eastern elevation, inclusion of roof windows on the south western pitched roof slope and construction of a large feature window on the south eastern roadside elevation/gable in lieu of original small high level unit, and all associated works;
 - b) Permission for development for change of use of the existing Light Industrial (Class 4) portion of the existing building as a Dedicated Commercial Storage area ancillary to the existing office located within the same building;
- all at Knockgraffon, Cahir, Co. Tipperary.

7.3.1. In terms of the physical works the subject of this retention application, I would accept that the works to the building are acceptable in principle and add to the aesthetics of the structure. The appellant has retained the natural slate roof on the building, together with the pebble-dash finish, while the replacement of the previous sliding garage doors and windows with timber doors and windows has not detracted from the character or setting of the building. While the feature window added to the roadside gable of the building is contemporary, I do not consider that it is inappropriate. The Board will also note the inclusion of 4 roof lights on the southern roof elevation. I have a concern in relation to this element of the refurbishment works, mainly due to their size, which I consider excessive in terms of the scale of the roof. While I acknowledge that they have been lined up with the windows below

and are symmetrical, I consider that should the Board be minded to grant permission in this instance, this element of the works should be amended to provide smaller and more traditional and appropriately scale roof lights. This could be dealt with by way of condition of permission.

7.3.2. The second element of the retention application relates to the change of use to commercial storage. I have addressed the matter of the use above and consider that the use sought is inaccurate for the currently unauthorised use ongoing in the building, and the subject of this retention application. The applicable policies of the South Tipperary County Development Plan 2009, as varied are Policy ED9: Enterprise in the Open Countryside and Policy ED10: Non-Conforming Uses.

7.3.3. Policy ED9 states that it is the policy of the Council to support and facilitate the provision and / or expansion of appropriate small-scale rural enterprise in the open countryside within residential sites and in vacant or derelict buildings, subject to meeting a number of criteria as follows:

- a) The development shall not have an adverse impact on the residential, environmental and rural amenity of the area.

In terms of the proposal before the Board, I am inclined to agree with the applicant. Having regard to the historical use of the building the subject of this appeal, and the nature of the use to be retained (being a small showroom), I am satisfied that the number of trips generated by visiting members of the public would be lower than that of a garage. I further consider that the nature of the use certainly has the potential to have less impact on the existing residential, environmental and rural amenities of the area. In this regard, I consider that the proposed development complies.

- b) Any new structure shall be of a scale appropriate to the size of the site and be sited and designed to ensure it does not detract from the rural setting and landscape character of the area.

The Board will note that the change of use appeal requires no new structures to be constructed. I have already addressed the alteration to the building above and I am generally satisfied that the proposed development complies in this regard.

- c) The development shall comply with the Development Management Standards set out in Chapter 10.

In the context of compliance with Development Management Standards, I accept that there is adequate car parking available on site to accommodate the development. I note the concerns of the Planning Authority in terms of sight distances at the entrance, which I will address further below, but in principle, I have no objections.

Overall, I am generally satisfied that in principle, and potentially, the development adequately complies with the thrust of Policy ED9.

- 7.3.4. Policy ED10 states that It is the policy of the Council, where commercial / industrial / agricultural enterprises exist as non-conforming but long-established uses, to support their continued operation and expansion provided such does not result in; loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard. In principle, I am satisfied that in principle, and potentially, the development adequately complies with the thrust of Policy ED10.

- 7.3.5. Notwithstanding the above, site suitability issues and the Planning Authority reasons for refusal need to be addressed prior to a positive decision issuing.

7.4. Reasons for Refusal:

- 7.4.1. The first 2 reasons for refusal relate to conflicting and limited information as well as non-compliance with the relevant policies of the CDP and the fact that a grant of permission for a development that facilitates an unauthorised development would be undesirable. I note the concerns of the PA relate to the fact that the applicant describes the change of use as commercial storage, and in this context, fails to provide clear details of items to be stored. In addition, it is considered that the use of the offices, WC and kitchenette (non-storage areas) are associated with the current unauthorised use, without the benefit of planning permission. Therefore, these elements are unauthorised.

- 7.4.2. The Board determined that the principle use of the premises was as a shop and the offices are ancillary to this use. Therefore, it might be reasonable to conclude that their use is also unauthorised. These elements have not been

included in the description of the development currently being considered. In addition, the PA notes that there is a lack of clarity as to what is proposed under the application as questions asked as part of the further information request have not been answered. In response to the above, the appellant considers that the stated reasons are unclear and potentially illegal.

7.4.3. In principle, I would have no real objection to the development, but I have to agree with the Planning Authority in this instance. While I wholly acknowledge the historical uses of the building – all parts of it – I find it unfortunate that the applicant has failed to take on board previous Board decisions. Clearly, the use of the offices – which have been excluded from this application – are used to support a use which has been deemed unauthorised, even by the appellant as an application for the retention of the use has been submitted. In this context, granting permission based on the information submitted, would facilitate the consolidation and intensification of this unauthorised use, contrary to the proper planning and sustainable development of the area.

7.4.4. The third reason for refusal relates to traffic hazard issues arising from the proposed use. The Planning Authority submits that the development would result in additional traffic stopping and turning movements onto the public roadway where sight lines are substandard. The public road from which the subject site is accessed is a local road and appears to be lightly trafficked. At the existing entrance to the site, there is adequate sight distances, certainly in excess of 100m+, available to the north east. To the south west, the sight distances are more restricted, being 70m. The Board will note that 70m sight distance satisfied the requirements of the District Engineer of Tipperary County Council, who raise no objections to the proposed development. I have no objections to the proposed development in terms of roads and traffic issues.

7.4.5. The fourth reason for refusal relates to the provision of waste water treatment and disposal. The building is connected to an established septic tank system which is located outside the development boundaries of the site. The Board will note that the applicant failed to submit full details of the landholding and that the existing septic tank system is also located outside the site boundary for the site. I note that this issue was raised at further information stage by the Planning Authority and the applicant submitted proposals to upgrade the existing system to service the wider

site, which includes a residence. There was no evidence of a percolation area or discharge area associated with the existing system and it is submitted that the existing system is not in compliance with EPA Code of Practice 2009. It is noted that these works have not been advertised as part of the proposed development. In the first party appeal, the appellant submitted legal evidence to prove that he has a way-leave to the existing and proposed wastewater treatment system.

7.4.6. In terms of site suitability, the Board will note that the applicant submitted a completed site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site. The site characterisation assessment notes that no bedrock or the water table were encountered in the trial pit, which was dug to 2.2m bgl. The assessment identifies that the site is located in an area where there is a Groundwater Protection Scheme and categorises the site as being a locally important aquifer (LI) with high vulnerability. A Groundwater Protection Repose of R1 is indicated. The soil type is described as 'Till derived chiefly from Namuriam rocks' and the bedrock type is 'Dark muddy limestone, Ballysteen formation'. *T tests were carried out on the site at a level of between 0.6m and 0.7m bgl and yielded an average *T value of 34.72. *P tests were carried out at the site at a level of 0.4m bgl and yielded an average *P value of 35.00. The report concludes recommending a packaged wastewater treatment system with a capacity PE of 6.00 and a polishing filter of 90m² with a 60m² gravel infiltration bed. The system will discharge to groundwater with a hydraulic loading rate of 10.00 l/m²/d.

7.4.7. In the context of the proposed development, I would consider that the proposed improvement works to the on-site waste water treatment system is very welcome. However, should the Board be minded to grant permission in this instance, this element would require to be included in the development description, with the plans and public notices updated and re-advertised to ensure the soundness of such a grant of planning permission.

7.5. Appropriate Assessment:

The site is not located within any designated site. The site is located approximately 2.5km to the east of the Lower River Suir SAC (Site Code 002137) and the Galtee Mountains SAC (Site Code 00646) is located approximately 10.5km to the west of

the site. Having considered the nature and scale of the proposed development, on an existing greenfield rural site, together with the separation distance between same and the Natura 2000 site, it is appropriate to conclude that this project should not proceed to Stage 2 of the AA process and that an Appropriate Assessment is not necessary as there is little or no potential for significant effects to Natura 2000 sites.

8.0 Conclusion

In terms of a conclusion, should the Board be minded to grant planning permission for the proposed development, the following further information should be requested:

1. The description of the development should include for the change of use of the existing Light Industrial (Class 4) building for use as a Showroom for Senator Windows, to include the existing office located within the same building.
2. The layout plans of the full building, the subject of the application, should include all areas, including offices / tea station areas for retention for use associated with the showroom to be retained.
3. The site layout plan should include clear details relating to the upgrading of the waste water treatment system for the site.
4. In terms of the structural works carried out on the building and the subject of this retention application, the Board is not satisfied that the four roof lights are appropriate in terms of their size and scale in the context of the historical building into which they have been inserted. The applicant is requested to submit proposals to replace the roof lights with more traditional and appropriately scaled roof lights.

The proposed development shall be re-advertised with updated public notices erected on the site.

9.0 Recommendation

I recommend that permission be refused for the following stated reason.

10.0 Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and appeal, and having regard to the fact that the application relates to only part of the building for which no permission exists for the current use, and that the description of the proposed use is considered inaccurate in terms of the actual use, as previously determined by An Bord Pleanála, it appears to the Board that the proposed development relates to a building, the use as a showroom for Senator Windows of which is unauthorised, and that a grant of planning permission would facilitate the consolidation and intensification of this unauthorised use. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.

A. Considine
Inspectorate
15/08/2019