



An
Bord
Pleanála

Inspector's Report

ABP-305362-19

Development	To construct a detached garage.
Location	Aglish South, Mooncoin, Co Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	19440
Applicant(s)	Barry Mac Ronald
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	First Party
Appellant(s)	Barry Mac Ronald
Observer(s)	None
Date of Site Inspection	31 st December, 2019
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located approximately 3km to the east of Mooncoin village on the N24 national road that connects Waterford and Carrick on Suir. The site is rectangular in shape and comprises a bungalow set back approximately 28 metres from the road edge with a detached single storey garage located to the north west and having a similar building line.
- 1.2. Vehicular access to the site is via a recessed entrance at a position close to the western end of the road frontage, and there is a tarmacked driveway that extends across the front of the garage and the house. The balance of the site including the area to the west of the existing house and driveway, comprises a lawn.
- 1.3. Site boundaries comprise a mixture of hedgerows and tree and shrub planting with a concrete decorative front boundary treatment. The boundary with the adjoining residential site to the south east is characterised by a high hedgerow boundary which restricts visibility of the appeal site from this direction on the N24. Views from the north west are more open though still screened by boundary and internal planting on the site. The adjoining house to the south east is located such that it is much closer to the road than that on the appeal site and the site to the north west is undeveloped. A stream runs to the west and rear (south) of the appeal site and this discharges to the River Suir c.5km from the appeal site.
- 1.4. The stated area of the appeal site is c.0.388 ha. and the total floor area of the existing development on the site is stated to be 210 sq. metres. No breakdown between the existing garage and the house is provided, however it is estimated from the submitted Site Layout Plan that the floor area of the existing garage is c. 50 sq. metres.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a second single storey garage structure on the site. This structure is proposed to have a floor area of 25 sq. metres measuring c.6.1 by 4.1 metres and an overall height of 2.67 metres. The external finishes are indicated as being galvanised steel with a brown colour.

2.2. The shed is proposed to be located to the east of the existing house and in a position that is slightly forward of the existing building line formed by the house and the existing garage. The location proposed is such that access to the shed from the existing tarmacked driveway could be provided. The position of the shed as proposed is close to the existing hedgerow that forms the south eastern boundary of the site and within c. 22 metres of the front boundary of the site.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority issued a Notification of decision to Grant Permission subject to 4 no. conditions. These conditions include the following:

Condition No.2 requires that the location of the garage would be revised to a position behind the front building line of the existing dwelling on site.

Condition No.3 requires that the permitted garage would be used for purposes incidental to the enjoyment of the dwelling and not for habitable, or commercial use or for the housing of animals.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the planning officer notes the fact that the proposed finish to the shed is not consistent with that of the existing house and shed and also the fact that the proposed new shed would be forward of the existing building line. Subject to the shed being relocated to a position to the rear of the building line, the scale of shed is not considered such that it would have a negative impact on visual or residential amenities. A grant of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

None on file.

3.3. Third Party Observations

None on file

4.0 Planning History

There is no reference on the appeal file to any planning history relating to the site.

5.0 Policy Context

5.1. Development Plan

The site is located in a rural area that is outside of any identified settlement.

Section 12.10 of the *Kilkenny County Development Plan, 2014-2020* notes the preparation of Kilkenny Rural Housing Design Guide which is intended to provide assistance to applicants. A number of points relating to design are also set out at section 12.10. Section 2.9 of the Rural Design Guide specifically relates to garages and includes an objective that the garage be subservient to the house in position and shape and that the location of the garage and the doors to the garage should not dominate the approach to the house.

5.2. Natural Heritage Designations

The site is located such that there is a stream that flows west of the site and immediately adjoining the southern boundary of the site. This stream discharges into the River Suir c.5km (along the watercourse) from the appeal site and in an area where the River Suir forms part of the Lower River Suir SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- That the applicants met with the planning officer prior to the submission of the application and were given the impression that the proposed development would not be a problem.
- That the position required by Condition No.2 behind the building line is either impractical or undesirable.
- That local councillor acting on behalf of the applicant has been told that it is established council policy not to allow developments in front of any established building line.
- That contrary to the statements in the report of the planning officer, the existing shed has not flooded in the past. The FFL of the existing shed is approximately the same as the existing house.
- That the reason for the proposed location forward of the building line relates to the local ground conditions and topography with the ground sloping away from the house.
- That consideration was given to the amenity of the adjoining house and the shed serving this house is located much further forward than the current proposal. The neighbour to the south east has no objection to the proposed development.
- That the proposed location on the site is the most visibly amenable position. The proposed location also provides for a greater range of usability for the applicant giving better access to the house and the driveway.
- That the location of the shed as proposed enables the storage of disability aids and vehicle.
- That the applicant does not have a problem constructing the shed with materials to match and be consistent with the existing house and garage.
- That the location as proposed in the application is the one and only location that works for the applicant.
- That there is a need for additional storage on the site for items such as a ride on mower and mobility aids.

- Photographs submitted showing flooding of the garden area to the rear of the house with water up close to the concrete slab surrounding the rear of the house. Stated that there are occasions where water comes up to the rear and side of the house and lasts a couple of days.
- Stated that the OPW have conducted a survey of the local watercourse.

6.2. **Planning Authority Response**

The submission of the Planning Authority states that the applicant was advised to:

- Locate the shed to the side of rear of the dwelling,
- That the external finishes should integrate well with the existing house,
- There needed to be a justification made for a second shed.

7.0 **Assessment**

7.1. The following are considered to be the main issue in the consideration of the subject appeal:

- Principle of development and consideration of the case de novo.
- Appropriateness of Condition No.2
- Appropriate assessment

7.2. **Principle of Development and Consideration of the Appeal De Novo.**

7.2.1. The site is located within the curtilage of an existing dwelling and is stated to be for use connected with and ancillary to the existing residential use on the site. There is an existing rendered block garage located to the immediate north west of the bungalow on the site and which has the same front building line as the existing house. Despite the advice given in the pre application consultation, no clear use or need for a second shed is set out in the application documentation. From the first party appeal, I note the references to the use of the shed for storage of mobility aids and other equipment. I also note the fact that the floor area of the existing shed is

c.52 sq. metres and that the total area of sheds with the existing and proposed structures would be c.77 sq. metres which is not in my opinion excessive.

- 7.2.2. The entrance to the site is located on the N24 in a position where the 100 km/hr speed limit applies. The proposed development is for domestic purposes and it is not likely that it would result in any intensification of the use of the existing vehicular access to the site.
- 7.2.3. Having regard to the above, I do not have an objection to the principle of the construction of additional shed floorspace on the site, and it is therefore proposed to proceed to consideration of the condition the subject of appeal by the first party which requires the relocation of the shed to a position behind the building line.

7.3. **Appropriateness of Condition No.2**

- 7.3.1. Condition No.2 which forms the basis of the first party appeal requires that *'The detached garage shall be relocated behind the established front building line of the dwelling. A revised site layout plan, scale 1:500 showing compliance with the above shall be submitted for the written approval of the Planning Authority prior to development works commencing'*.
- 7.3.2. The site of the proposed shed is located such that it would be forward of the existing front building line formed by the existing house and garage. The justification for the proposed location put forward by the first party relates to easy access to the shed and connection to the existing tarmacked driveway, however neither of these appear to me to be very strong reasons for the location proposed. There is a separation of c.15 metres between the south east facing gable of the existing house and the hedgerow boundary on this side of the site and there is therefore a significant area available where the shed could be sited to the side of the existing dwelling and such that it would be equally close to the front door of the house and convenient to the existing driveway. While images have been submitted showing flooding on site of the area to the rear of the house, it is not apparent to what extent the area to the south east of the house may be impacted by flooding.

7.3.3. In terms of visual impact of the shed in the position proposed, the structure would be screened from views from the south east by the existing boundary hedge and the structures on the adjoining site. From the north west however, the proposed position of the shed would mean that it would be visually prominent forward of the building line, albeit that it would have the existing mature hedgerow boundary as a backdrop. The proposed galvanised steel construction and brown colour would in my opinion make the visual impact of the development in the position proposed more pronounced. I note that the first party appeal makes reference to the possibility of a revised finish that would be more in keeping with the existing structures on site, however no revised drawings have been submitted with the appeal. Even with a change in materials, I consider that the visual impact of the structure would best be mitigated by being relocated to a position behind the building line and that the proposed location does not result in a development that would be subservient to the main house in position and shape as required by section 2.9 of the Kilkenny County Council Rural Design Guide and having regard to the fact that there is already a garage structure on the site.

7.4. Appropriate Assessment

7.4.1. The site is located such that there is a stream that flows west of the site and immediately adjoining the southern boundary of the site. This stream discharges into the River Suir c.5km (along the watercourse) from the appeal site and in an area where the River Suir forms part of the Lower River Suir SAC.

7.4.2. The features of interest of the lower River Suir SAC are as follows:

- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation.
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels.
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles.
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).
- *Taxus baccata* woods of the British Isles.
- *Margaritifera margaritifera* (Freshwater Pearl Mussel).
- *Austropotamobius pallipes* (White-clawed Crayfish).
- *Petromyzon marinus* (Sea Lamprey).
- *Lampetra planeri* (Brook Lamprey).
- *Lampetra fluviatilis* (River Lamprey).
- *Alosa fallax fallax* (Twait Shad).
- *Salmo salar* (Salmon).
- *Lutra lutra* (Otter).

The conservation objectives for the site are to restore the favourable conservation condition of the above listed habitats and species.

7.4.3. The location of the proposed shed structure is such that it is c.65 metres from the stream. Given this degree of separation, the nature of the proposed development and the limited excavation works required and the c.5km length of the pathway between the appeal site and the nearest point of the SAC I consider that the proposed development is not likely to have significant effects on the European site in light of its conservation objectives.

8.0 Recommendation

- 8.1. That the planning authority, Kilkenny County Council be directed that Condition No. 2 remain attached to the decision to grant permission and that Condition No.2 shall read as follows:

The permitted garage shall be relocated to a position behind the established front building line of the dwelling. A revised site layout plan, scale 1:500 showing compliance with this requirement shall be submitted for the written approval of the Planning Authority prior to the commencement of development.

Stephen Kay
Planning Inspector

14th January, 2020