



An  
Bord  
Pleanála

## Inspector's Report ABP-305752-19

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<b>Development</b>	Single-storey domestic garage
<b>Location</b>	The Walk, Cloonybeirne, Roscommon, County Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	PD/19/416
<b>Applicant(s)</b>	Maura Comiskey
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Maura Comiskey
<b>Observer(s)</b>	Ruth McNally
<b>Date of Site Inspection</b>	15 <sup>th</sup> January 2020
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located along The Walk (L1807 local road), on the northeast edge of Roscommon town in County Roscommon, approximately 1.2km from the town centre. The immediate area is characterised by low density housing flanked by undeveloped agricultural fields.
- 1.2. The site is stated to measure 0.136ha and measures 72m in depth from the front roadside boundary to the rear boundary. A two-storey detached house with half-hipped roof profile is situated on site, served by a vehicular access off The Walk to a paved driveway. The subject domestic garage is positioned a stated 6.5m behind the rear building line of the house on site, along the western side boundary and at a similar ground-floor level to the host house. The boundaries to the front of the house on site are marked by capped and plastered walls of varying heights. Ground levels in the surrounding area drop gradually in a southwest direction.

## **2.0 Proposed Development**

- 2.1. The proposed development for retention comprises the following:
  - pitched-roof steel-frame and steel-clad domestic garage with a stated gross floor area of 60sq.m and a roof ridge height of 4.2m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The planning authority decided to refuse to grant retention permission for the proposed development for the following reason only:

‘The structure which is proposed for retention, is by reason of the scale, proportions and overall design concept incapable of integrating with the suburban setting in which it is sited. The structure would also, due to its scale and design, be injurious to the visual amenities of the area and would set a precedent for other similarly inappropriate designs in this suburban setting. The proposed development would therefore be contrary to the provisions of Chapter 9: Development Management Guidelines and Standards of the

Roscommon County Development Plan 2014-2020, including in particular the overall principles expressed in Section 9.6 (Residential Development). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

The report of the Planning Officer (September 2019) noted the following:

- the size and the height of the structure is akin to that of a small industrial shed, as opposed to a domestic garage;
- the use and the position of the garage for ancillary domestic purposes is not uncommon;
- a previous structure on the site of the existing garage had more of an appearance of a domestic garage than the existing garage;
- only minimal overshadowing would arise;
- due to the finishes and mass of the structure and the small size of the site, it is difficult for the garage to assimilate into the site;
- retention of the garage could set precedent for similar development involving the demolition of other existing domestic garages.

#### **3.2.2. Other Technical Reports**

- None requested.

### **3.3. Prescribed Bodies**

- None requested.

### **3.4. Third-Party Submissions**

- 3.4.1. During consideration of the planning application by the planning authority, one submission objecting to the proposed development for retention was received from a neighbouring resident of 'Ardmore', The Walk. The issues raised in the submission

are similar to those raised in an observation to the grounds of appeal and they are summarised under the heading 'observations' below.

## **4.0 Planning History**

### **4.1. Appeal Site**

4.1.1. The following planning applications relate to the appeal site:

- RCC Ref. PD/19/61 – retention permission for development comprising a garage was refused by the planning authority in April 2019 due to the scale, proportions and overall design concept, which would be incapable of integrating with the suburban setting and would be injurious to the visual amenities of the area;
- RCC Ref. PD/00/317 – permission granted in May 2000 by the planning authority for alterations to the roof profiles and windows of three dormer-style detached houses;
- RCC Ref. PD/99/248 – permission granted in October 1999 by the planning authority for three dormer-style detached houses with piped connections to local services.

### **4.2. Surrounding Sites**

4.2.1. Recent planning applications in the surrounding area primarily relate to proposals for additional houses.

## **5.0 Policy & Context**

### **5.1. Roscommon Town Local Area Plan 2014-2020**

5.1.1. The appeal site has a zoning objective 'Existing Residential' within the Roscommon Town Local Area Plan 2014-2020, with six stated objectives, including objectives to protect and enhance the residential amenities of existing and new residential communities and to provide for infill residential development at a density and design

appropriate to the area and needs of the community. Map 16 of the Local Area Plan identifies The Walk as being part of a proposed looped walking and cycling route.

- 5.1.2. Relevant planning policies and objectives for residential development are set out under Section 7.13.2 (Urban Development) of the Development Plan, while development management guidelines and standards are outlined in Section 8.3.

## 5.2. Natural Heritage Designations

- 5.2.1. The nearest natural heritage designated European sites to the appeal site, comprising Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance (km)	Direction
000440	Lough Ree SAC	3.4km	Southeast
002349	Corbo Bog SAC	5.7km	Northeast
000588	Ballinturly Turlough SAC	6.1km	Southwest
004064	Lough Ree SPA	7.0km	East
004097	River Suck Callows SPA	8.0km	Southwest
000609	Lisduff Turlough SAC	10.1km	South
000448	Fortwilliam Turlough SAC	12.8km	East
002200	Aughrim (Aghrane) Bog SAC	13.0km	Southwest
000611	Lough Funshinagh SAC	13.3km	Southeast
001637	Four Roads Turlough SAC	14.3km	South
004140	Four Roads Turlough SPA	14.3km	South

## 5.3. Environmental Impact Assessment - Preliminary Examination

- 5.3.1. Having regard to the existing development on site, the limited nature and scale of the development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the

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**

6.1.1. The grounds of the first-party appeal, which were accompanied by correspondence from the appellant to the planning authority dated the 9<sup>th</sup> day of August, 2019, can be summarised as follows:

- the garage was initially built in good faith on the site of a previous shed, without the knowledge that planning permission would be required;
- the garage would be used for various purposes ancillary to the enjoyment of the house on site, including the storage of personal equipment associated with work and a vintage car hobby, and as a store for fuel, garden furniture and other domestic items. The garage would not be used for commercial purposes or human habitation;
- the garage design is simple, neat and not imposing, while the height and scale of the garage would be similar to others that are common to housing in the area;
- overshadowing does not arise and the adjoining residents to the garage did not object to the proposals to retain the garage;
- the garage can integrate with the suburban setting and would not set precedent for similar development.

### **6.2. Observations**

6.2.1. One observation was received from a neighbouring resident of 'Ardmore', The Walk. In conjunction with the third-party submission, the issues raised can be collectively summarised as follows:

- inappropriate development for a residential area, as the garage is a monstrosity dominating the landscape;

- clear intention to use the structure for commercial activity;
- the previous garden shed that was in the same location as the subject garage, was dismantled, rebuilt and repositioned to the rear of the garage;
- views and light to a neighbouring property have been impacted on since construction of the garage in May 2018;
- a previous application under Roscommon County Council (RCC) Ref. PD/19/61 to retain the same development was refused permission;
- enforcement proceedings were undertaken and the garage should have been removed by the 5<sup>th</sup> day of October 2019;
- the rationale for the planning application is clearly to frustrate the enforcement process.

### **6.3. Planning Authority Response**

6.3.1. The Planning Authority did not respond to the grounds of appeal.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The parent planning permission for the house on site, as well as both adjacent houses, were originally granted in October 1999 under RCC Ref. PD/99/248 and in this planning application the locations of the garages intended to serve each of the proposed houses were identified, although drawings of the garages do not appear to have been provided. The subject garage that is now proposed for retention on the appeal site, is proposed to be positioned in a similar location to the garage identified in the parent permission. The observer to the grounds of appeal and the planning authority assert that a timber garden shed structure previously occupied the location of the subject garage and that this has been repositioned on site to the rear of the garage. The observer to the grounds of appeal also asserts that the garage was constructed in May 2018, while the appellant asserts that they were not initially aware that planning permission would be required for the garage. A previous planning application to retain the garage was submitted and the planning authority



decided to refuse permission under RCC Ref. PD/19/61 in April 2019, due to the scale, proportions and overall design concept, which they considered would be incapable of being integrating into the suburban setting and would be injurious to the visual amenities of the area. It is understood that an enforcement notice in relation to the garage was subsequently issued by the planning authority and in response another planning application to retain the same development was submitted.

- 7.1.2. Given the position and scale of the garage, as well as the 7m separation distance and the size of the rear garden to the adjacent property to the west, I am satisfied that excessive overshadowing or loss of light to internal areas or amenity space serving this property would not arise. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, solely relate to design and visual amenity.

## **7.2. Design & Visual Amenity**

- 7.2.1. The planning authority's reason for refusing planning permission refers to the scale, proportions and overall design of the garage being incapable of integrating with the suburban site context. The planning authority report assessing the application further clarifies that the planning authority consider the size and the height of the garage to be more in line with that of an industrial structure, as opposed to an ancillary domestic outbuilding.
- 7.2.2. There are no specific standards relating to garages or outbuildings set out within the Roscommon Town Local Area Plan 2014-2020. The planning authority's reason for refusal refers to the provisions within Chapter 9 of the Roscommon County Development Plan 2014-2020, which addresses Development Management Guidelines and Standards, including those for residential development. There are no specific standards with respect to garages or outbuildings in the County Development Plan either.
- 7.2.3. The grounds of appeal assert that the garage would be used for various purposes ancillary to the enjoyment of the house on site and would not be used for commercial purposes or human habitation. It is also asserted that the design and scale of the garage is not overly complicated and that it is similar to those in the neighbouring area.

7.2.4. The appeal site is not located in an area with conservation status and the garage is of a design and scale that would be typical for a structure of this nature in a suburban context. I note that other neighbouring properties feature structures of similar design, scale and area. While steel-framed, steel-clad structures were initially most common for commercial and industrial development, they are increasingly more common in residential contexts, such as this, and the maximum height of the structure at 4.2m to the roof ridge level on a large suburban plot would not be excessive. Furthermore, the garage is only visible for a 22m-stretch along the roadside directly fronting the appeal site and is therefore not highly visible within the immediate or surrounding landscape. I am satisfied that the scale of the garage is complementary and subsidiary to the host house and the position of the garage to the rear of the house ensures that it does not form an overly dominant obtrusive feature along the suburban streetscape.

7.2.5. In conclusion, I consider that the proposed development for retention would not have a detrimental impact on the visual amenities of the area and retention permission for the development should not be refused for reasons relating to design and visual amenity.

## **8.0 Appropriate Assessment**

8.1. Having regard to the minor nature of the proposed development for retention and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development to be retained would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

9.1. I recommend that retention planning permission should be granted, subject to the conditions, as set out below.

## 10.0 Reasons and Considerations

10.1. Having regard to the nature and design of the proposed development to be retained and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development to be retained would not be out of character with development in the area and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity.

2. The garage shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

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Colm McLoughlin  
Planning Inspector

5<sup>th</sup> February 2020