



An
Bord
Pleanála

Inspector's Report

ABP-306816-20

Development	Permission for retention for two number detached domestic garages / storage buildings and for all associated site works
Location	Drom West, Castletownbere, Co. Cork
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	19781
Applicant(s)	Sybren Meijer
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Tyite Mastenbroek on behalf of the Dutch Association 'Tjeerd Meijer'.
Observer(s)	None
Date of Site Inspection	5 th August 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located approx. 2km southwest of Castletownbere town centre and comprises a single storey chalet dwellings house and two outbuildings located to the east and west of the house. The site is an elevated site and access is provided via a shared access road set on a steep gradient to the east of the R572 at a point where sightlines are seriously restricted.
- 1.2. The area is characterised by agricultural farmland and a number of one-off rural dwellings and farm buildings. The site is bound to the east by a traditional two storey dwelling house. The site is well screened and not a prominent feature in the wider landscape.
- 1.3. The site is 0.85ha. in area

2.0 Proposed Development

- 2.1. The development comprises:
 - retention for two number detached domestic garages/storage buildings
 - all associated site works.
- 2.2. The garage to the east of the house adjacent to the shared boundary is gable fronted and 23.38sqm in area with a ridge height of 4.2m. The garage to the west of the house is side fronted and 21.74sqm in area with a ridge height of 4.3m. Both garages are render finished with slate roofs.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to nine standard conditions. The following conditions are of note:

Condition no. 2 refers to use as a garage and/or including domestic storage, Not for human habitation

Condition no. 3 stipulates no sanitary facilities to be provided.

Condition no. 4 stipulates no fixed staircase to be provided in the garage to the east of the house.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planners report (10th February 2020) notes the enforcement history on the site in relation the garages. The report sets out the policy context and states that the site was inspected on two separate occasions in September 2019 and January 2020 and there was no evidence to suggest that the garages were used for residential purposes noting one was full of tools and the other full of garden equipment including a ride on lawnmower. The report sets out that the garages do not impact negatively on the amenity of the adjoining dwelling. Subject to a condition stipulated that the garages/shed not be used for human habitation or any commercial use the development was deemed acceptable. It was recommended that permission be granted subject to conditions.

3.2.2. **Other Technical Reports**

Area Engineer – (Report dated 29th January 2020) No objection to the proposal subject to the not being used as accommodation.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

The planning officer notes one submissions/observations in relation to the development. A brief summary of the issues raised are set out below:

- Structures are being use as holidays homes and not as garages and are equipped with heating, kitchen, shower, toilet etc.
- Loss of privacy, noise and disturbance
- Proximity to shared boundary
- Overdevelopment
- Compromises green belt policies

4.0 **Planning History**

Site

Warning letter served in July 2019 and October 2019 regarding the garages on site resulting in the subsequent planning application for retention which is the subject of this appeal.

CCC Reg. Ref. 99/5334 – Planning permission was granted in 2000 for a domestic extension.

Enforcement File CCC Reg. Ref. SKB170043 re. unauthorised caravans on site. Case closed in 2018.

5.0 Policy Context

5.1. Development Plan

West Cork District Local Area Plan 2017

5.1.1. The site is located in the defined green belt in the West Cork LAP 2017 in an area of the county which is designated as a High Value Landscape (HVL) in the Cork County Development Plan 2014.

5.1.2. Greenbelt policy seeks to maintain the identity of the towns and encourage more development activity within the development boundaries and reserve land for agriculture, open space or recreation uses.

5.1.3. The R572 is a designed Scenic Route - development proposals in the environs of these scenic Routes and/or an area with important views and prospects will need to demonstrate that There will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features.

Cork County Development Plan 2014

5.1.4. Section 3.7 Landscape Views and Prospects.

The following objectives are relevant:

- CDP policy objectives GI 6-1 and RCI 6-1 to encourage new buildings to meet high standards of design, respect the character and pattern and fit appropriately into the landscape.
- GI 7-1: General Views and Prospects
- GI 7-2: Scenic Routes

- GI 7-3: Development on Scenic Routes - appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures...
- GI 7-4: Development on the approaches to Towns and Villages.
- Section 4.6 -General Planning Considerations

5.2. Natural Heritage Designations

- Beara Peninsula SPA (004155) is located 1.8km south of the site.
- Kenmare River SAC (002158) is located 5.9km northwest of the site.

5.3. EIA Screening

The proposed development is not of a class for the purpose of EIAR. The nature and scale of the development would not result in a real likelihood of significant effects on the environment.

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the garages are actually (or will be) used as (holiday) homes, in particular, the building located to the east of the existing house adjacent to the shared boundary with the appellants property.
- It is set out that the building is not designed as a garage with large windows, heating, insulations glazing, sleeping loft, french doors and a terrace in front. In addition, the building is connected to water supply and the waste water treatment system on site.
- It is stated that the fact Cork County Council attached connections relating to the use, sanitary facilities and staircases “proves” the intentions of the applicant. It is further argued that the conditions attached cannot be enforced in practice.
- It is set out that the application from submitted with the planning application clearly indicates under Section 4 that the buildings will be used for permanent occupation and as a second home/holiday home.

- It is set out that the structure to the east of the existing house was built on the appellants property boundary resulting in a great loss of privacy and noise, overlooking and disturbance.
- The appellant argues that the development represents overdevelopment on the site and the area now looks like a small village with all the buildings, altering the character of this rural area in a greenbelt. It is set out that the applicant does not meet the criteria for development in a greenbelt.

6.2. Applicant Response

- It is set out that that garages are not fully equipped with heating showers toilets etc and the applicant's children or grandchildren have never stayed/slept in the garages.
- It is stated that the garages were built for one purpose and the evidence submitted demonstrates that the use is solely as private residential garages.
- It is set out that the hedge between the applicant's property and the appellants is 3m high and 1m wide.
- There is no overlooking of the adjoining property.

6.3. Planning Authority Response

The Planning Authority has responded to the grounds of appeal.

- The response states that the planning authority re-affirms its decision.
- It is noted that the appellant offers no evidence that the structures are used for residential accommodation.
- The garage to the west is connected to the septic tank because of the presence of a washing machine/dryer and other household activities.
- It is set out that the planning conditions will ensure if further complaints are received the buildings can be inspected and appropriate enforcement action taken.

6.4. Further Responses

None

7.0 Assessment

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Principle of Development
- Design, layout and Impact on Residential Amenity

7.2. Principle of Development

- 7.2.1. The proposed development provides for the retention of two garages on site. One garage is located 3.5m to the east of the existing dwelling on site, the second garage is located 20m west of the house. The garage to the east of the house located is gable fronted and 23.38sqm in area with a ridge height of 4.2m. The garage to the west of the house is side fronted and 21.74sqm in area with a ridge height of 4.3m. Both garages are render finished with slate roofs.
- 7.2.2. The site is located in a rural area on a 0.85ha site. The principle of ancillary domestic garage/stores is an accepted norm in a domestic context, subject to safeguards.
- 7.2.3. Access to the site is from the existing vehicular entrance and access roads serving the site and whilst I note sightlines at the junction with the R572 are restricted, having regard to the domestic use of the structures, I am satisfied that the development will not generate additional traffic onto the R572 and will not represent a traffic hazard over and above the current use associated with the dwelling house.
- 7.2.4. The appellant argues that the development will set an unacceptable precedent. In this regard whilst I note the appellants concerns, the current application will be assessed on its own merits in accordance with the current Cork County Development Plan 2014-2022 and relevant national policy and guidelines, as applicable.
- 7.2.5. I am satisfied that the principle of domestic garage/store is acceptable, and the development will not represent a traffic hazard at this location, subject to planning and environmental considerations addressed below.

7.3. **Intended Use, Design and Impact on Residential Amenity**

- 7.3.1. There is no specific policy relating to garage or domestic storage areas in the Cork County Development Plan 2014-2022. However, it is common practice to see domestic garages and sheds in rear gardens of domestic dwellings. The appeal site is located in the defined green belt area surrounding the environs of Castletownbere in the West Cork LAP 2017 in an area of the county which is designated as a High Value Landscape (HVL) in the Cork County Development Plan 2014. Policy objectives GI 6-1 and RCI 6-1 seek to encourage new buildings to meet high standards of design, respect the character and pattern and fit appropriately into the landscape.
- 7.3.2. The appellant argues that the **intended use** of both garages is for habitable occupation and potential holiday letting and the application form submitted with the planning application clearly indicates under Section 4 that the buildings will be used for permanent occupation and as a second home/holiday home. The appellant contends that the buildings, in particular, the garage to the east of the house adjacent to the shared boundary is not designed as a garage with large windows, heating, insulations glazing, sleeping loft, french doors and a terrace in front and that the building is connected to water supply and the waste water treatment system on site.
- 7.3.3. I agree with the appellant that both structures are more reflective of dwelling type **design** rather than domestic garages in terms of fenestration and domestic type doors. However, the drawings submitted with the application indicate that the garages/stores will be used for storage purposes only associated with the domestic use of the site. I further note that a site was inspected by the planning authority on two separate occasions in September 2019 and January 2020 and there was no evidence to suggest that the garages were used for residential purposes noting one was full of tools and the other full of garden equipment including a ride on lawnmower. The planners report includes relevant photographic evidence in this regard. It is noted that the garage to the west is connected to the septic tank because of the presence of a washing machine/dryer and other household activities. On the day of my site inspection there was no evidence that either structure was being used for habitable accommodation. I am satisfied that both garages are small in scale and the use of the structures can be controlled by means of condition,

should the Board be minded to grant planning permission. The use of the structures for any other use other than as identified will require a separate grant of planning permission.

- 7.3.4. The third-party grounds of appeal assert that the design approach including separation distance from site boundaries adversely affects their **residential amenity** resulting in loss of privacy and noise, overlooking, disturbance and represents an overbearing structure overlooking their property. The garage is sited at its closest point approx. 1.5m from the boundary with the appellants property and approx. 6m from the appellants dwelling. In relation to overlooking, I note there are no windows on the elevation facing the appellants property. The site is screened from the dwelling by an existing boundary hedge and with a maximum ridge height of 4.2m the garage is not a visually prominent feature. I do not consider there to be any undue overlooking as a result of the development or that the development reflects an over dominant feature and the site at 0.85ha. in area has ample capacity to accommodate the development. The use of the structures for storage purposes ancillary to the primary use of the dwelling will not, in my opinion, generate significant noise.

7.4. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

Having regard to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Under no circumstances shall a first-floor mezzanine level or sanitary facilities be provided in either garage/storage shed.
3. **Reason:** In the interests of residential amenity and in the interest of proper planning and orderly development.
4. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of public health

5. The structures shall be used from domestic purpose only incidental to the enjoyment of the dwelling house, under no circumstances shall the structures be used as habitable accommodation or commercial use.

Reason: In the interests of residential amenity

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity

Irené McCormack
Planning Inspector

12th August 2020