



An
Bord
Pleanála

Inspector's Report

ABP-306832-20

Development	Retention of existing domestic garage and domestic stores
Location	Danestown Td, Navan, Co Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA191677
Applicant(s)	David O'Brien
Type of Application	Retention
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	David O'Brien
Observer(s)	None
Date of Site Inspections	25 th of June 2020 10 th of July 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site (area 0.158ha) is located within the townland of Danestown and is to the west of the N2 and Rathfeigh and is to the south of Kentstown village. It is accessed via the narrow local road network and the entrance to the site is from the L-10011-19.
- 1.2. There are two buildings on the site and they are not associated with a dwelling house. The site is relatively flat. There are domestic dwellings on the sites on either side of the application site. A single storey dwelling is to the west with garage type structure along their eastern site boundary and a two storey house to the east. There is no associated dwelling on the subject site. The site is fenced off from land at the rear which is in agricultural use.
- 1.3. There is an existing access to the site with locked security gate (accessed via a code) and sign 'Beware of Dog' and a post box at the entrance. There is a grassed frontage area and then a c.1.8m high fenced and gated access midway on the site to the garage and store areas to the rear of the site. Therefore, it is not possible to view the buildings from the road without an appointment, hence a second visit was needed to view the buildings for retention. There is a fence and hedgerow along the site frontage.

2.0 Proposed Development

- 2.1. This is for the Retention of Existing Domestic Garage and Domestic Store.

3.0 Planning Authority Decision

3.1. Decision

On the 10th of February 2020, Meath County Council refused permission for the proposed development for the following two reasons:

1. *The Planning Authority is not satisfied based on the information submitted and site visit that the garage and store constructed on site are being used for domestic purposes. It is not considered that the applicant has demonstrated a justification or need for a garage/store at this location. The proposed*

development would, therefore, establish an undesirable future precedent for developments of this kind and be contrary to the proper planning and sustainable development of the area.

2. *The proposed development by virtue of scale and design is considered to represent an inappropriate form of domestic structure which would be detrimental to the visual amenities of the area, would set an inappropriate precedent for other similar development and would be contrary to the proper planning and sustainable development.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy. Their Assessment included the following:

- The proposed development consists of the retention of outbuildings and walls and piers associated with the dwelling.
- Regard was had to the Planning History of the site and to the unauthorised development on site.
- A Stage II AA is not required in this instance.
- The site is not identified as being a Flood Risk.
- They considered that additional details are required in respect of the existing development on site and the activities associated with same.

Further Information request

- The PA was concerned with the quantum of domestic storage required for retention. The Applicant was requested to detail the exact use of each element proposed for retention and to outline the need for a storage area on this site.
- They were requested to clarify the planning status of the prefabricated building and newly constructed access in the field adjacent to and connected to the applicant's site. They were also requested to clarify the use of this structure.

Further Information response

There is no evidence on file that the F.I was requested by the Council or that an F.I response was submitted.

Planner's Further Report

- The Planner had regard to issues of Design and Layout and to the impact on Residential Amenity.
- They noted that the applicant has not submitted any justification for the garage and store nor are they ancillary to the dwelling.
- They have concerns that they are being used for commercial purposes.
- The applicant has not applied for retention permission for a septic tank or wwt unit but there was evidence on site (they include photographs).
- They provide that the entrance is constructed in accordance with Reg.Ref. NA802289.
- Garage developments are exempt from development contributions as per the MCDCS 2016-2021 as amended.
- They recommend that retention permission be refused.

3.3. Other Technical Reports

There are none on file.

3.4. Prescribed Bodies

The Planner's Report notes this was not referred

3.5. Third Party Observations

The Planner's Report notes there are no submissions on file.

4.0 Planning History

There are a number of History cases referred to in the context of the Planner's Report:

- Reg.Ref. NA/70493 – Permission granted subject to conditions (November 2007) to Leon O’Brien for the erection of a bungalow, domestic entrance onto public road and provision of pwwts for disposal of domestic waste.
- Reg.Ref.NA/120471 – Extension of Duration of Planning Permission NA/70493 to expire on the 16th of January 2018.

It is noted that this dwelling has not been constructed.

- Reg.Ref.NA/802289 – Permission granted to Leon O’Brien subject to conditions for the erection of a domestic garage and domestic store to the rear of the site.

Also noted on file relevant to the adjoining site to the east:

- Reg.Ref. AA151147 – Permission granted subject to conditions to Sean Curry (a) for the decommissioning of existing septic tank and to provide new sewage treatment system with polishing filter; (b) retention of revised elevational treatment to dwelling and two storey extension to the rear; (c) retention of detached domestic garage and store.

Adjacent site to the west:

- Reg.Ref. AA190268 – Permission granted subject to conditions to David O’Brien for existing outbuildings constructed to rear of dwelling and existing walls and piers constructed on site, including all ancillary site works.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

Section 10.7 refers to Rural Residential Development: Siting and Design. This seeks to ensure that new build integrates into their surroundings. Appendix 15 provides the ‘Meath Rural House Design Guide’ Policy RD POL 9 refers. This includes the main criteria against which the degree of visual impact will be considered.

Section 10.7.1 refer to Access and Other Ancillary Works. This had regard to adequate visibility and road safety issues.

5.2. Natural Heritage Designations

There are no Natura 2000 sites located within or adjacent to this site. The River Boyne and River Blackwater SPA and SAC (site codes 004232 and 002299) is the nearest Natura 2000 site located over 8km from the proposed site.

5.3. EIA Screening

Having regard to the nature and scale of the development proposed for retention, and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the retention 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

The Applicant David O'Brien has submitted a First Party Appeal. His Grounds of Appeal seek to provide a Rebuttal to the Council's Reasons for Refusal and include the following:

Reason no. 1

- As the PA are aware the applicant has recently sold his family home of some 30 years on the adjacent plot. This was necessitated due to the poor health of the applicant's spouse.
- He is currently drawing up a house design suitable to the needs of his spouse. When such plans have been completed, the applicant will be making a planning application for a new dwelling.

Reason no. 2

- It is difficult to concur with this reason for refusal given the size and scale of the temporary development, together with its location at the back end of the site.

Conclusion

- The applicant requests the Board to look favourably on their appeal against the Council's decision to grant permission.

6.2. Planning Authority Response

They have regard to the grounds of appeal and their response includes the following:

- The applicant did not state his reasons or intentions for the site in his planning application.
- The PA assessed the site on the information supplied and submitted as part of the planning application and along with the site visit.
- Under the current policy as per section 10.4 of the Meath CDP the applicant may not meet the local needs policy for a new dwelling, as he previously owned and sold a property, the proposed intention of applying for a new dwelling cannot be considered in this current application.
- The applicant did not apply for 'temporary development' in the application. There are 2 buildings constructed on site with security gates, guard dogs, security cameras, post box, numerous domestic bins and various items around the site.
- The PA is satisfied that all matters outlined in the submission were considered in the course of its assessment of the planning application as detailed in the Planning Officer's Report dated 28th of January, 2020.
- They ask the Board to uphold their decision and refuse permission.

7.0 Assessment

7.1. Policy Considerations and Retention issues

- 7.1.1. Regard is had to first principles and the issue with a retention application is whether the development/buildings proposed for retention would have been permitted in the first place had the works not been carried out (i.e being unauthorised) prior to obtaining a planning permission. The issue is whether these buildings would be

considered sustainable in this location and in the interests of proper planning and development of this rural area.

- 7.1.2. The principle of a domestic garage and store ancillary to a domestic dwelling is generally considered acceptable subject to compliance with planning policy in the Meath County Development Plan 2013-2019. It is also considered important that any ancillary buildings integrate with the main dwelling house and do not appear visually dominant in the area.
- 7.1.3. However, the current retention proposal is for stand-alone buildings, and the usage of these has not been clarified. Therefore, it needs to be ascertained whether the retention of these buildings is justified and whether the principle of such development on unzoned land in the rural area and not ancillary to a dwelling is sustainable. Regard is had to background issues, design and layout, access and impact on the character and the amenities of the area in this Assessment below.

7.2. Background

- 7.2.1. In this case regard is had to the history of the site (as noted in the Planning History Section above). Permission was granted for a domestic dwelling (Reg.Ref. NA70493) and an extension of duration was also granted for this permission (Reg.Ref. NA120471 refers). This dwelling was not constructed and both permissions have since expired. Therefore, the garage/shed buildings could not be considered to be for domestic use ancillary to the main dwelling house.
- 7.2.2. In 2008 under Reg.Ref. NA/802289 permission was granted for the erection of a domestic garage and domestic store to the rear of the site. The floor area for this combined use building was given as 54sq.m, and a napp plaster finish and pitched roof was proposed. The location of the development then permitted and not constructed was different to those buildings currently seeking retention. It is noted that the garage and stores that have been constructed are steel clad structures with a greater floor area and are not in accordance with the plans and particulars then submitted. The access to the site was constructed as per this permission.
- 7.2.3. Retention Permission was recently granted to the David O'Brien for existing outbuildings constructed to the rear of the dwelling and existing walls and piers constructed on the adjoining site to the west (Reg.Ref. AA/190268 refers). This is

outside of and is not within the red line boundaries of the subject site. This includes Condition no. 3 which restricts the use to domestic stores for a purpose incidental to the enjoyment of the dwelling house. It is noted that the Planner's Report then included: *The retention of the domestic structures on the application site is considered acceptable. However, the structures in the adjoining field do not have the benefit of planning permission and as a result the Enforcement Section will be notified of this possible breach of planning regulations.*

7.3. Design and Layout and Impact on the Character and Amenities of the Area

- 7.3.1. The application form provides that the g.f.s to be retained is 102.9sq.m on this site of 0.158ha. As shown in red on the Site Layout Plan submitted, the domestic garage and domestic stores to be retained comprise two separate buildings, one in front of the other proximate to the south western site boundary. The existing entrance to the site is also shown.
- 7.3.2. The Floor Plans show that the existing domestic store is 44.1sq.m and the existing domestic garage and store is c.58.8sq.m. They are both shown c. 3.4m in height with low pitched roofs and galvanised steel frame construction and cladding. External finishes include non-drip steel cladding, roller shutter doors and translucent sheets at roof level. FFL's are given as 100.450 for both buildings.
- 7.3.3. It is considered that in view of the set back and the security fencing erected midway across the site, that the buildings proposed for retention are not very visible from the public road and do not impact adversely on the visual character and amenities of the area. However, they present a form of development that does not appear in keeping with the rural area.

7.4. Rationale

- 7.4.1. The issue is whether it is permissible to allow the retention of these buildings in the rural area, where they are not ancillary to a domestic dwelling or for agricultural purposes. A clarification of the use or a justification for the retention of these buildings has not been submitted.
- 7.4.2. The First Party Appeal provides that the applicant recently sold his family home of some 30 years on the adjacent plot due to family health issues. It provides that they

are currently drawing up plans to build a house on the subject plot. This would then mean that the sheds would be ancillary to the family home.

- 7.4.3. The Planner's response provides that they are not satisfied that the buildings are being used for domestic purposes. They consider that the applicant has not demonstrated a justification or need for the garage/store in this location. They also query as to whether the applicant would meet the local needs criteria in accordance with planning policies including Section 10.4 of the Meath CDP 2013-2019, taking into account that he has recently sold the house on the adjoining site. However, this is a matter for a separate application.
- 7.4.4. There is an entrance with piers constructed on site and high timber fencing is located within the site which screens the existing buildings. A security gate and camera are located at the entrance and there is signage that security dogs are on site. It is not known as to whether the buildings are for commercial usage, and I did not note any advertising signage or evidence of such on the day of the site visit. However, the buildings appear more as smaller warehouse storage type buildings than a domestic garage and domestic stores. I would be concerned that had an application come in for these buildings on this site in the first place it would not have been granted. I would consider that the retention of such buildings not ancillary to a dwellinghouse on unzoned land in the rural area has not been justified and would set an undesirable precedent.

7.5. **Screening for Appropriate Assessment**

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

8.0 **Recommendation**

- 8.1. I recommend that permission for retention be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. Having regard to the location of the site, on unzoned land, in the rural area outside of a designated settlement and to the issue that these buildings for retention are stand alone and are not ancillary to a dwelling house, it is considered that it has not been demonstrated in the documentation submitted that their usage is for domestic purposes and that the need for retention of these buildings has not been justified. The development proposed for retention would, therefore establish an undesirable precedent for this type of random unsubstantiated and uncoordinated development and be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

17th of July 2020