



An
Bord
Pleanála

Inspector's Report

ABP-307324-20

Development	Retention of Art Studio
Location	Mountain Park, Carlingford, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2061
Applicant(s)	Nat McGuinness
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael Hosford
Date of Site Inspection	27 th July 2020
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site is located on the south western edge of Carlingford, Co. Louth. The appeal site is occupied by a two-storey dwelling. There is an existing farmyard to the south west with a laneway running along the south eastern boundary of the site accessing such. On opposite side of the laneway is a two-storey dwelling (appellant's dwelling).

2.0 Proposed Development

2.1. Permission is sought for retention for reconstruction and conversion of outbuildings to art studio and the planning permission relates to the completion of the art studio and all associated site works for use incidental to the enjoyment of the dwelling house on site. The structure is single-storey and has a floor area of 51.2sqm, a ridge height of 6m at its highest point, features a pitched roof with an external finish of nap plaster and natural slate.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 6 no. conditions. Of note is the following condition...

Condition no. 2: Structure to be use ancillary to existing dwelling on site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (16/03/20): The scale of the proposal was considered modest and acceptable in terms of design and visual impact, it was considered there is adequate separation between the structure and the existing dwelling to the south east so as to have no adverse impact on residential amenity. A grant of permission was recommended based on the conditions outlined above.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1 78741: Permission granted for reconstruction and extension of dwelling house.

4.2 76624: Permission granted for extension to dwelling house.

Site to the south east...

4.3 031049: Permission granted for a dwelling and associated site works.

5.0 **Policy Context**

5.1. **Development Plan**

The relevant development plan is the Louth County Council Development Plan 2015-2021.

The site is located with Zone 1 Rural Area

Policy SS 61 (garage and outbuildings).

5.2. **Natural Heritage Designations**

5.2.1 None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1 A third party appeal has been lodged by Michael Hosford, Mountain Park, Carlingford, Co. Louth. The grounds of appeal are as follows...

- The appellant has no issue with the structure proposed however does take issue with the provision of a chimney on the structure.
- The appellant questions the need for a chimney on art studio and the sustainability of such in terms of promoting low carbon emissions.
- The appellant also questions the proposal from a design point of view noting that chimneys on buildings of this nature would have had a chimney on the ridge and not on the side.
- The appellant's main issue is that the location of the chimney relative to window opening on his dwelling is such that the proposal would impact on his residential amenities due to smoke causing nuisance. The appellant notes that the chimney is at a lower level than the windows on the side elevation of his property. The appellant notes that the Planning Authority have failed to understand the relationship between the proposed structure and the appellant's dwelling and the adverse impact the proposed chimney will have on residential amenity.

6.2. Applicant Response

6.2.1 Response by the applicant, Nat McGuinness.

- The applicant outlines their need for a dedicated art studio space to carry out their work.

6.3. Planning Authority Response

6.3.1 Response by Louth County Council.

- There is adequate separation between the proposed chimney and the appellant's property in terms of physical distance, its location on the opposite side of the roof profile and existing hedgerow. It is also considered that the chimney is likely to be in much less frequent use than one serving a dwelling.
- The proposal is for a small scale ancillary use to an existing dwelling and not a commercial development as suggested by the appellant.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design, scale, chimney, adjoining amenity

7.2 Design, scale, chimney, adjoining amenity:

7.2.1 The proposal concerns the retention and completion of a single-storey structure to be used as an art studio within the curtilage of an existing dwelling. The appellants main concern are not necessarily the structure itself but the provision of a chimney (wood burner) on the north western roof plane of the structure. The proposed structure is modest in scale relative to the existing dwelling on site and its use is ancillary to the main dwelling. I would consider that the overall design and scale of the proposal is acceptable in the context of visual and residential amenities of the area.

7.2.2 The chimney is located on the north western roof plane of the structure and has height of 4.6m relative to ground level. The appellant's property is a two-storey dwelling located to the south west. There is an existing laneway between the proposed structure and the appellant's dwelling and the windows in the side elevation at first floor level of the appellant's dwelling (south eastern) are roof lights, the ground floor level windows are obscured by a hedgerow along the south eastern edge of the laneway. There is a more than sufficient degree of separation between the appeal site and the appellant's dwelling such that the proposed structure, which is modest in scale would have no significant or adverse impact on the appellant's residential amenities. I would consider that the degree of separation between the chimney and the appellant's property is also sufficient so as there unlikely to be any adverse impact due to emissions form the chimney. The appellant questions the design of the chimney relative to the proposed structure. I would consider that the chimney is well integrated and modest in scale relative to the structure and is acceptable in terms of its overall design. In relation the issue of sustainability, there is no restriction in the use of a chimney from the point of view of carbon emissions

and there is no good reason or logic to omit the chimney feature from the proposed development.

8.0 Recommendation

8.1. I recommend a grant of permission based on the following conditions.

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area and the amenities of adjoining property. 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 carried out and completed 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The proposed development shall be ancillary to the main dwelling house on site and shall not be sold, rented or leased independent of the existing dwelling or used for any commercial purposes.

Reason In the interests of orderly development.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Colin McBride
Planning Inspector

12th August 2020