



An
Bord
Pleanála

Inspector's Report

ABP-307715-20

Development	Garage building with office space.
Location	Waterdale. Claregalway, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20349
Applicant(s)	Pamela & Rory Yates
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Pamela & Rory Yates
Observer(s)	None
Date of Site Inspection	14 th October 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.198ha is located in a residential cul de sac located off a county road, approx. 3km north-west of Lough George and Claregalway village. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission is sought for the construction of a new detached garage building with office space and associated ancillary works adjacent to an existing dwelling house. Gross floor space of proposed works; 69.3sqm comprising 48.95sqm office space and 20.35 garage / storage. It is stated that there are 8 no existing car parking spaces with no further spaces proposed. The development will be served by the existing water connection, wastewater management system and soakpit. The application was accompanied by a Planning Statement.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway County Council issued notification of decision to refuse permission for the following 2 no reasons:

1) *Having regard to the following:*

- *The rural unserviced location of the site*
- *The location of same outside of any settlement or town*
- *The extent of the intensification associated with this incompatible use relatively to this setting*

It is considered that the proposal would constitute disorderly, haphazard development and would contravene Objective EDT7, EDT9, EDT11 and DM Standard 12 and DM Standard 19(b) of the County Development Plan 2015 – 2021. Therefore, this development if permitted, would seriously injure the amenities, or depreciate the value, of property in the vicinity and would set an

undesirable precedent for similar future developments in the unserved rural area and would be contrary to the property planning and sustainable development of the area.

- 2) *Having regard to the intensification of traffic movements as a consequence of the proposed development, it is considered that the development if permitted as proposed would endanger public safety by reason of traffic hazard and obstruction of road users or otherwise and therefore would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Case Planner** – Recommended that permission be refused for 2 no reasons relating to (1) principle and (2) traffic safety. The notification of decision to refuse permission issued by Galway County Council reflects this recommendation.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. None

4.0 Planning History

- 4.1. There is no evidence of any previous appeal on this site. The Case Planner states that there was a previous planning application on this site for a similar development that was refused permission as follows:

- **Reg Ref 19/1738** – Galway County Council refused permission for the construction of a new detached garage building with office space and associated ancillary works adjacent to an existing dwelling house with a gross floor space of proposed works:

69.3 sqm (Office Space: 48.95 sqm, Garage/Storage: 20.35 sqm) for the same two reasons as documented in this appeal and relating to the (1) principle and (2) traffic impact.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the Galway County Development Plan 2015 – 2021. Objectives, policies and standards relevant to this appeal are as follows:

▪ **Objective EDT7 – Align Enterprise to Serviced Lands**

Encourage industrial and enterprise development to operate from lands zoned for these purposes within the various Local Area Plans in the County, subject to an adequate consideration of the policies and objectives of this plan and the need to protect the vitality and amenities of the town or settlement.

▪ **Objective EDT9 – Small Scale Enterprise and Community Services**

Seek to provide a strategic economic balance countrywide by encouraging the establishment of small-scale enterprises and community services in the smaller rural villages and settlements of the County.

▪ **Objective EDT11 – Rural Enterprise**

Consider the establishment of small scale rural orientated enterprises in unserviced rural areas outside of town or village settings which can be accommodated in existing farm buildings or can be established on a brownfield site, subject to satisfying the following criteria:

- *Compatibility and general suitability to an unserviced rural area (primary consideration will be given to agriculture, renewable and marine resources, forestry, tourism, recreation or food production related enterprise activities and services);*
- *Scale of development (assimilate appropriately into a rural setting);*
- *Nature of development (raw materials sourced locally);*

- *Consideration of social and environmental impacts (enterprise must not have a significant adverse impact on the environment or rural amenity);*
- *The enterprise must not constitute a road safety hazard or have a major adverse impact on the road network, road capacity and traffic levels;*
- *Residential amenity (enterprise must not have a significant adverse impact on residential amenity).*

▪ **DM Standard 12 – Rural Enterprise**

The Council will consider rural enterprises, and resource development (such as agriculture, agri-food sector, agri-tourism, commercial fishing, aquaculture, marine tourism, forestry, bio-energy, the extractive industry, recreation, cultural heritage, marine enterprise sector, research and analysis) and renewable energy resources (such as wind/ocean energy) in rural and coastal areas within the County subject to considerations of proper planning and sustainable development and shall include the following:

a) Existing Buildings

The conversion of existing farm buildings in rural areas for small scale employment purposes will be considered subject to policy.

b) Agriculturally Related Industry

Agriculturally related industry, involving processing of farm produce where it is unsuited to an urban situation and is environmentally sustainable.

c) Farm-Related Business

Business directly related to farming, such as the servicing and repair of farm machinery, land reclamation, drainage work, agricultural contracting etc., where it will not give rise to adverse environmental effects, have safe access and not be prejudicial to residential amenity.

▪ **DM Standard 19 - Access to National and Other Restricted Roads for Commercial & Other Developments**

(b) Commercial, industrial and community facilities development and land use shall be restricted to essential needs, in the particular locality, of agriculture, tourism infrastructure, fisheries, forestry, park and ride facilities or existing extractive industries, and where these cannot be in the opinion of the Planning Authority, be

reasonably located along other non-listed regional or local roads. All restricted regional roads are included under the Class 2 Control Roads designation. Restricted Regional Roads are listed hereunder:

Road Description Route No.

1 N6 - Ballinasloe to City Boundary North of Oranmore R446

2 N18 - County Boundary to Gort R448

3 Tuam-Bearnaderg-Horseleap R332

4 Galway – An Spidéal-Ballinahown Cross R336

5 Galway – Carnmore-Monivea R339

6 Derrydonnell-Athenry R348

7 Headford -Tuam R333

8 Ballinalsoe - Portumna R355

9 Ballinalsoe - Portumna R358

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. The closest is Lough Corrib SAC which is c1.45km south of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 first party appeal has been prepared and submitted by the applicant and may be summarised as follows:

- Prior to making the application a pre planning meeting was not possible due to Covid 19. However, the applicant did discuss the scheme by phone with the planning office.
- The proposal seeks to achieve a small-scale garage which is tucked away to the back of the main dwelling and hidden from public views. The applicants own and operate their own small enterprise from their home. Due to its success the owners have plans to employ an additional person. Current working operations are unsatisfactory, and they now require some dedicated office space to be accommodated in the proposed garage.
- **Refusal Reason No 1** – Taking Policy EDT11 there are 6 criteria that must be satisfied:
 - 1) The business is a small-scale Electrical Design company which has been in operation for over 3 years. Personal statement attached.
 - 2) There will be no physical impacts on the landscape or this rural setting. Plannign permission was granted for a garage as part of the 2003 scheme. this is not a proposal for a large scale / industrial building which would be out of keeping with the prevailing character of the area. It is a garage with a small element of office accommodation.
 - 3) This is consultancy-based service which will not generate the need for raw materials.
 - 4) The nature of the business will not have any significant impact on the environment or the rural environment
 - 5) The traffic movements will be imperceptible and no more than the existing domestic use.
 - 6) There are no adjoining residents to the eastern or northern boundary. There is a dwelling to the west, but the garage is situated approximately 26 metres to the boundary with the residential property to the west of the site. No objections were submitted as part of the planning application.
- The current position of the garage is where planning permission was granted under Reg Ref 03/1045 would have been sited. There are no third-party objections to the scheme. Most properties in the area have a similar scale garage. Small scale

dedicated office / workspace appropriately located would if anything increase the attractiveness of property and would increase property prices in the area.

- **Refusal Reason No 2** – There would be one member of staff who would visit on an intermittent basis once a week at most. The applicant fails to see how this would result in a traffic hazard or endangerment of public safety. There were no objections on the file from the Roads Engineer or third parties. This is not an application for a large industrial building where one would expect there to be an increase in traffic movements.
- The proposal complies with the broad thrust of national, regional and development plan policies. The project will:
 - 1) Encourage small scale rural employment
 - 2) The proposal will help to ensure that the existing business will continue to thrive
 - 3) There are no adverse environmental, health and safety impacts associated with the proposal

6.2. Planning Authority Response

6.2.1. None

6.3. Observations

6.3.1. None

6.4. Further Responses

6.4.1. None

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Impact
- Appropriate Assessment.
- Other Issues

7.2. Principle

- 7.2.1. Galway County Council in their first reason for refusal state that the proposal would *constitute disorderly, haphazard development and would contravene Objective EDT7, EDT9, EDT11 and DM Standard 12 and DM Standard 19(b) of the County Development Plan 2015 – 2021*. The relevant objectives are set out in full in Section 5.1 above.
- 7.2.2. While “working from home” is encouraged in the current pandemic this application is for a proposed built office-based commercial development (Electrical Design Consultancy) with three employees (owner x 2 and a third employee that would attend the office intermittently). While the intention is not to stifle small business needs it remains that the County Development Plan through its policies and objectives is very clear in its objective to focus commercial development on lands zoned for these purposes and / or into smaller rural villages and settlements. Development such as that proposed is not compatible in a rural unserved areas such as this.
- 7.2.3. Overall, I agree with the Planning Authority that if this development, comprising commercial office space, were permitted it would contravene the policies and objectives of the current Development Plan and would set an undesirable precedent for similar future developments in unserved rural areas. However, there is no objection to the proposed structure and its overall use as a garage subject to condition requiring that it be used for solely for domestic purposes connected with the main house and that it not be used, sold, let or leased for commercial use or offices.

7.3. Traffic Impact

- 7.3.1. Galway County Council in their second reason for refusal state that the intensification of traffic movements would endanger public safety by reason of traffic hazard and obstruction of road users. Having regard to the above recommendation to grant permission for a garage with use ancillary to the main house only I am satisfied that

the vehicular movements generated by the proposed garage would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the development and its 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 a European site.

7.5. **Other Issues**

- 7.5.1. **Development Contribution** - I refer to the Galway County Council Development Contribution Scheme 2016. Part 4 Exemptions states that *house extensions and domestic garages/sheds shall be exempt from Development Contributions*. The proposed development is therefore exempt.

8.0 **Recommendation**

- 8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be **GRANTED** for the following reasons and considerations.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the policies and objectives set out in the Galway County Development Plan 2015 – 2021, the pattern of development in the area and the layout and design of the scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed garage shall be used for domestic purposes connected with the main house only, and shall not be used, sold, let or leased for commercial use or offices.</p> <p>Reason: To restrict the use of the garage in the interest of residential amenity and to comply with the objectives of the current development plan for the area</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the residential amenities of property in the vicinity.
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.</p> <p>Reason: In the interests of public safety and residential amenity</p>

Mary Crowley

Senior Planning Inspector

15th October 2020