



An
Bord
Pleanála

Inspector's Report

ABP-308180-20

Development	extend the overall height of wall along the northern boundary of proposed car-park previously granted under P19/250 together with associated siteworks
Location	Main Street, Emyvale, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	20244
Applicant(s)	G&G Retail
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Ann & Martin Watters.
Observer(s)	None.
Date of Site Inspection	8 th December 2020.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site is located at Main Street, Emyvale, consisting of a Centra retail store, petrol filling station and car park which is located to the rear. The site is accessed directly from Main Street, the N2, with two-way access to the car park provided immediately north of the forecourt.
- 1.2. The car park provides 30 parking spaces and is bound to the east and north by a capped and plastered wall, 2.4m high.
- 1.3. The site is adjoined to the east and north by residential properties, the north-adjointing property owned by the applicant, and is in a centre-village location.

2.0 Proposed Development

- 2.1. Planning permission is sought to extend the overall height of an existing boundary wall, to add 3m in height (from 2.4m to 5.4m) comprising of treated timber fencing fixed to galvanised steel supports, along the northern boundary of an existing car park approved under PA Reg. Ref. 19/250. The section of wall to be increased in height measures 44.7m in length and forms the site boundary to the north-adjointing property.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 20th August 2020 Monaghan County Council granted permission for the proposed development, subject to 2 No. planning conditions, which were standard in nature.

3.2. Planning Authority Reports

- 3.2.1. Planning Report dated the 18th August 2020, which informed the decision of the Planning Authority and is summarised as follows;
 - The proposal accords with the village setting & Objective VO3 and Section 15.2 of the Development Plan. It will not detrimentally impact on the residential amenity of properties in the vicinity.

- The overall development will help to alleviate parking and congestion issues and a grant of permission is recommended.

3.2.2. Other Technical Reports

Environment Section report dated 20th July 2020, outlining no objection to the development subject to a number of recommended standard conditions.

Roads Section report dated 6th July 2020, outlining no objection to the development subject to a number of recommended standard conditions.

Monaghan Municipal District Office report dated 20th July 2020, outlining no objection.

3.3. Prescribed Bodies

- 3.3.1. Transport Infrastructure Ireland submission dated 21st July 2020, outlining that TII had no observations on the application.

3.4. Third Party Observations

- 3.4.1. A letter of observation was received from an adjacent resident to the north, the issues raised within which can be summarised as follows;
- The observer seeks to have the subject wall raised, to restore privacy.
 - It is preferable that the raised wall should be as high as the side wall of the shop, higher than is proposed.
 - A vehicular opening onto Glaslough Road is not supported.

4.0 Planning History

- 4.1. Relevant recent planning records for the site include:

20/101 – (ABP Ref. ABP-308181-20) permission was granted by the Planning Authority on 20th August 2020 for a new car-park entrance onto Glaslough Road, including boundary treatment & associated siteworks including alterations to the carpark layout and delineated site boundary granted under planning file P19/250. This decision is currently on appeal.

19/250 – Permission granted on 28th January 2020 for the construction of a customer/staff carpark facility, using the forecourt access adjacent to the Centra store, together with demolition of existing store/shed-type structures, new perimeter boundary, landscaping and associated site works. Of relevance to the current appeal, condition No. 11 required that the area indicated as vehicle parking on the application drawings shall be reserved for the parking of vehicles and shall not be used for the storage of goods or materials.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the Emyvale village development limit, identified under the Monaghan County Development Plan 2019-2025. Emyvale is designated as a 'Tier 4' village under the development plan and, within the development limit, the development plan outlines that lands are not zoned for specific uses, in order to provide for a less restrictive approach to the suitable expansion and growth.
- 5.1.2. Development plan objective VPSP1 outlines that in village locations, the Planning Authority will seek '*to promote and facilitate development that is commensurate with the nature and extent of the existing settlement to support their role as local service centres.*'
- 5.1.3. Objective VO1 is relevant to development with Tier 4 villages, outlining that the Planning Authority will seek '*to support the villages in their role as local rural service centres for their population and its rural hinterland where the principles of environmental, economic and social sustainability including protection of the village's heritage and the natural and built environment.*'
- 5.1.4. Section 15.2.10 '*Building Heights & Overshadowing*' outlines that all proposals must minimise overlooking, overbearing and overshadowing to ensure no significant adverse impact on adjoining properties.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or adjacent to any designated Natura 2000 site.

5.3. EIA Screening

- 5.3.1. The proposal is for an increase in the height of a boundary treatment. This type of development does not constitute an EIA project and so the question as to whether or not it might be sub-threshold does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The grounds of appeal can be summarised as follows;

- The boundary wall should be made substantially higher, to protect privacy and to reduce noise and light pollution and should include a trellis or other similar installation. Mature trees of 4-5m height are also requested along the length of the car park wall.
- The development of the site has impacted on privacy at the appellant's home.
- The new car park and extended operating hours will result in increased traffic and noise.
- The development is out of character in a rural setting. Additional signage and lighting may negatively impact on the character of the area.
- The existing entry/exit off Main Street is the safest and most respectful plan for the ambience of the village. The village could be made more pedestrian and bicycle friendly, rather than more car and lorry friendly. Transport Infrastructure Ireland had no concerns with limiting access to the car park from Main Street only.
- A house next door was demolished without permission in the course of the construction of the car park, which would allow for a direct view into their house.
- A copy of the appellant's grounds of appeal of concurrent application Reg. Ref. 20/101 is also appended to the appeal and it is stated that the appellant wishes to make the same observations concerning this appeal, as are made in relation to concurrent appeal Ref. ABP-308181-20. The issues raised in this appeal relate to

road and pedestrian safety and I do not consider they are relevant to the subject appeal.

6.3. Applicant Response

6.3.1. None Received.

6.4. Planning Authority Response

6.4.1. No response received.

6.5. Observations

6.5.1. None

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of development;
- Impact on the character of the area;
- Impact on neighbouring properties;
- Other Issues;
- Appropriate assessment.

7.2. Principle of Development

7.2.1. The principal of a commercial use of the site and of a car park of 30 No. spaces have been established and the proposed development is consistent with the established use, subject to consideration of impacts on neighbouring properties and the character of the area.

7.3. Impact on the Character of the Area

7.3.1. The proposed development is a significant addition to the existing boundary structure, in terms of the 3m increase in height and its c.45m length. It will be visible from Main Street, through the filling station area, and, particularly, from Glaslough

Road, immediately to the east of the store building and in the area of the site of the proposed access which is the subject of appeal Ref. ABP-308181-20.

- 7.3.2. The existing boundary treatment, at 2.4m, is clearly visible in views from Glaslough Road and I have concerns regarding the visual impact of the proposed increase of the boundary to 5.4m. The full height and massing of the development would be very prominent in the available views and, in my opinion, would jar.
- 7.3.3. The appellant's concerns relate principally to noise and privacy impacts from the ongoing commercial use of the site and they have expressed a desire to have the height of the wall increased. I am satisfied that the existing boundary wall height provides adequate privacy and light glare screening for the appellants' property and there is no demonstrable need to have the height of the wall increased, which would outweigh my concerns regarding visual impact. A refusal of permission is therefore recommended.

7.4. Impact on Neighbouring Properties

- 7.4.1. There are adjoining residential properties to the north and southeast of the site, with the closest north-adjoining property owned by the applicant.
- 7.4.2. The raised boundary is likely to result in overshadowing of the applicant's rear garden, but I am satisfied that such overshadowing would be contained and would not extend into the appellant's property.
- 7.4.3. The development will likely be exposed in views from the north and south and will become a prominent feature in views from the appellants' garden and views from the southeast-adjoining property on Glaslough Road.
- 7.4.4. I note that the appellant has expressed a desire to have the height of the boundary made substantially higher and, as such, does not appear to have any concerns regarding the visual impact of such an installation.
- 7.4.5. For the southeast-adjoining property on Glaslough Road, an angled view would be available, over the 2.4m high section of boundary wall which runs perpendicular to its rear boundary. The angled nature of the view serves to partly mitigate its prominence and, taken together with the level of separation, I do not consider any undue impacts would arise.

7.5. Other Issues

- 7.5.1. The appellant has raised concerns regarding the level of traffic within the site and refers to the existing access from Main Street. The car park has the benefit of planning permission and there is no proposal as part of the subject development, to amend the access from Main Street. The Board will be aware that there is a concurrent appeal, Ref. ABP-308181-20, which relates to a proposed alternative access to the site.
- 7.5.2. The appellant has outlined that a house was demolished without permission, as part of construction activities on the subject site. The investigation of unauthorised development complaints is a matter for the Planning Authority and is not a matter to be taken into consideration in the assessment of this appeal.

7.6. **Appropriate Assessment**

- 7.6.1. The subject site is not within or adjacent to of any Natura 2000 site, the nearest designated site being Slieve Beagh Special Protection Area (Site Code 004167), which is approximately 6.5km west. There are no other Natura 2000 sites within a 15km search zone.
- 7.6.2. Having regard to the nature and scale of the proposed development, a proposed new access to an existing commercial property within a village location, 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.

8.0 **Recommendation**

- 8.1. I recommend that permission for the proposed development be refused, for the following reasons and considerations set out below.

9.0 **Reasons and Considerations**

The proposed development, by reason of its height and massing, would result in a visually dominant feature and would represent an incongruous form of development within the established character of Emyvale village. The development would therefore seriously injure visual amenities in the vicinity, would be contrary to the provisions of Objective VO 1 of the Monaghan County Development Plan 2019-2025

and would be contrary to the proper planning and sustainable development of the area.

Barry O'Donnell
Planning Inspector

7th January 2020