



An  
Bord  
Pleanála

## Inspector's Report ABP-308346-20.

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<b>Development</b>	Retention of motorhome storage/domestic shed.
<b>Location</b>	Carrowcordin, Enniscrone, Co. Sligo.
<b>Planning Authority</b>	Sligo County Council.
<b>Planning Authority Reg. Ref.</b>	20231.
<b>Applicant</b>	Noel Jacob
<b>Type of Application</b>	Permission for retention.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Noel Jacob
<b>Observer</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> January 2021.
<b>Inspector</b>	Philip Davis

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## 1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse permission for the retention and alteration of a shed structure to the rear and side of a detached dwelling in a small cluster of houses south-west of the seaside village of Enniscrone, Co. Sligo. The reason for refusal relates to residential amenity impact in proximity to adjoining dwellings.

## 2.0 Site Location and Description

### 2.1. Enniscrone, County Sligo

Enniscrone (also spelt variously Inniscrone and Inishcrone) is a seaside/golf/surfing resort village in West Sligo, facing Killala Bay. The permanent population is just over 1,000, with significantly higher numbers in high season. It is located in the south-east corner of the bay, at the eastern end of the famous long strand and links golf course, with a rocky foreshore extending to the north, marked by a small pier. The village was little more than a fishing/farming cluster with a coast guard station in the mid 19<sup>th</sup> Century, but by the early 20<sup>th</sup> century had grown into a more substantive settlement along the Main Street, with a hotel, seaweed baths, and other local holiday attractions.

Carrowcardin townland is located around 1.77 km south west of the Main Street of Enniscrone in a rural area – it is around 500 metres from the Diamond Coast Hotel, the westernmost extension of the town. It is predominantly grazing land between the extensive dune systems of Enniscrone strand and golf links course and the rising land inland with some scattered dwellings. The appeal site is located in a small cluster of five detached dwellings accessed off a small cul de sac road running south from the R297 Enniscrone to Ballina road.

### 2.2. Appeal site

The appeal site, with a site area given as 2126 m<sup>2</sup>, is a house plot with a single storey bungalow, with a large metal clad storage structure to the rear south-east corner in addition to another structure on the western boundary. The house faces the north, over land that drops down to the edge of the sand dunes of Enniscrone

Links. It is accessed to the north to the cul-de-sac road which in turn connects to the R297. There are bungalow dwellings on either side of the appeal site, to the east and west, with open fields to the north and south. There is a distinct slope running down from west to east. Some 200 metres to the north of the site, is the brackish channel dividing the coast from the links course/beach. This channel is part of the Killala Bay/Moy Estuary SPA and the Killala Bay/Moy Estuary SAC.

### **3.0 Proposed Development**

The proposed development consists of the retention of a motor home/storage/ domestic shed with alterations to reduce the eave and ridge levels by 1.1 metres. The shed is indicated on site plans as having a floor area of 111.14 m<sup>2</sup> with an existing ridge height of 5.73 metres.

### **4.0 Planning Authority Decision**

#### **4.1. Decision**

The planning authority decided to refuse permission for the following reason:

*Having regard to the design, scale and its location in close proximity to the adjoining residential property to the north-east, it is considered that the structure proposed for retention and alteration would seriously injure the residential amenities of the house to the north-east by reason of overshadowing and overbearing nature. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

#### **4.2. Planning Authority Reports**

##### **4.2.1. Planning Reports**

- It is stated that there are no specific policies regarding the type of development proposed, although Section 13.4.8 (Ancillary Buildings) is noted in the development management standards.

- Submissions by the neighbour that the shed has been used for commercial purposes is noted, but it is stated that there was no visible evidence from the site visit that this was the case.
- It is stated that it is evident that the structure is oversized relative to the adjoining residential property, and that it does cause overshadowing of a substantial portion of the adjoining rear garden. It is considered that the reduction in height would not alter the significance of the impact.
- It is stated that the issue of the 'self-contained unit' on the site is not relevant to the current application.
- It is noted that the applicant claims that it is required for the storage of a race truck and is needed for security reasons.
- An AA screening concluded that Stage 2 AA was not required.
- A refusal is recommended.

#### 4.2.2. Other Technical Reports

**Area Engineer** – no objections subject to standard conditions.

#### 4.3. Prescribed Bodies

None on file.

#### 4.4. Third Party Observations

Two neighbours submitted observations, objecting to the proposed development.

### 5.0 Planning History

**PL-1-684:** This application for the change of use of a domestic building to holiday apartment was refused.

**PL19/239:** A similar application to this one was withdrawn.

No other relevant permissions or appeals on file.

## **6.0 Policy Context**

### **6.1. Development Plan**

The site is in open countryside with no specific zoning objectives, it is identified as part of the 'buffer zone' around Enniscrone in the Enniscrone LAP.

### **6.2. Natural Heritage Designations**

The site is within 300 metres of a brackish channel, which is part of the Killala Bay/Moy Estuary SPA and SAC, site codes 004036 and 000458.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- It is submitted that the applicants have made reasonable attempts to accommodate the concerns of neighbouring properties.
- The shadow analysis report submitted by the applicant with the application shows there is little impact on the neighbour.
- It is stated that the objections by the neighbour are motivated by personal issues.

### **7.2. Planning Authority Response**

No response received.

### **7.3. Observations**

No observations received.

## 8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Principle of development
- Residential amenity
- Other issues
- Appropriate Assessment

### 8.1. Principle of development

The appeal site is in open countryside without a specific zoning designation in the Sligo County Development Plan 2017-2023. It is identified as part of the 'buffer zone' for Enniscrone in the Enniscrone LAP 2014-2020. There are no specific policies relating to such ancillary structures, but in development guidelines in the CDP, section 13.4.8 on 'Ancillary Buildings' states:

*Sheds and garages are common features of rural residential properties. Such structures can have a significant visual impact on the landscape. The Planning Authority will carefully assess the visual impact of ancillary buildings. In order to minimise the combined visual impact of houses and ancillary structures, sheds or garages should generally be single-storey, unless it can be shown that the development cannot be seen from the public road or surrounding landscape.*

The observers to the planning application argued that the shed was in use for commercial purposes, but the planning authority, on the basis of their site visit, stated that they were satisfied that this was not the case. Although there was a commercial van parked in the driveway I saw no evidence from my site visit that there is any ongoing commercial activity on the site. I note that there is another structure on the site (the western side) – the subject of a refused application for permission as a holiday let unit. It is unclear as to its current use.

Section 13.4.8 emphasises the visual impact of such structures – I note that the structure is clearly visible from the main road (R297) as well as the cul-de-sac, and this is an important tourism route.

There are no relevant national or regional policies that apply. On the basis of the above, I consider that the application should be dealt with on its own merits.

## 8.2. Residential amenity

The site is on the eastern of the house plot – one of a small line of single storey dwellings on the cul-de-sac, facing generally north. The appeal site is on a plot given as just under 0.22 hectares. The adjoining dwelling to the east is on a site that appears somewhat smaller, probably just under 0.2 hectares. The appeal site is distinctly raised above the dwelling to the adjoining house to the east as the line of houses run down a slope.

Due to the northern orientation of the sites, the rear gardens provide the maximum amenity to these houses. The structure that is subject to the appeal is on the south-eastern corner of the site, and very close to the boundary (there appears to be a gap of around 1 metre), and as such would potentially impact on daylight in the late afternoon and evening. The applicant submitted a shadow study which shows the impact both with and without the proposed reduction in height of the structure. I consider this study to be generally accurate.

The study indicates that the shadow cast in summer is likely to only fall on the south-western corner of the adjoining dwelling in a part of the garden that is next to that dwelling's associated shed. I do not consider that this would be a particularly serious impact as much of the garden would not be impacted. However, it is clear from the shadow study that the impact during the winter months would be very significant and at times would cast a shadow over the entire garden, despite its generally southerly aspect. The proposed reduction in height would not significantly reduce the impact except for perhaps a few weeks in spring and autumn.

Having regard to the overall context, I do not consider that this is an acceptable impact, even with regard to the proposed reduction. I therefore concur with the conclusion of the planning authority that the impact on residential amenities would be serious and would justify a refusal.



### 8.3. Other issues

There is a recorded ancient monument (ringfort) on lands 200 metres to the north-west, and a moated site about 300 metres to the south, but as the site has been developed, I do not consider that there are any archaeological or heritage issues in this appeal.

I do not consider that there are any other substantive issues in this appeal.

### 8.4. Appropriate Assessment

The site is within 300 metres of the Killala Bay/Moy Estuary SPA and SAC, site codes 004036 and 000458 and is within the overall catchment of a stream (the Develin River) that drains to the channel. This river has been canalised and heavily engineered since around the late 19<sup>th</sup> Century indicating that much of the farmland in the area has been artificially drained and reclaimed to some degree.

The two Natura 2000 sites are designated on the basis of shore and sea birds (the SPA), and typical coastal habitats and related species (the SAC). There is no evidence that the shed would have any impacts on these qualifying interests or related conservation objectives, and is within an existing house site.

Having regard, therefore, to the small scale of the structure and its location within an existing long established house site, no Appropriate Assessment issues arise, and I do not consider 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

## 9.0 Recommendation

I recommend that the Board refuse permission for reasons generally similar to that of the planning authority, as I have set out in the section below:

## 10.0 Reasons and Considerations

Having regard to the size, scale, and bulk of the structure and its orientation relative to the adjoining dwelling and garden to the east, it is considered that the structure seriously injures the residential amenity of adjoining dwellings by way of overshadowing and its overbearing nature. It is not considered that the proposed reduction in height would significantly reduce the residential impacts. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Philip Davis  
Planning Inspector

26<sup>th</sup> January 2021