



An
Bord
Pleanála

Inspector's Report ABP-309134-21

Development	Domestic shed
Location	8 Cairn Árd, Ballinaboula, Dingle, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/651
Applicant(s)	Anna Maria Thomas
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Helen Stacey
Date of Site Inspection	16 th February, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 8 Cairn Árd is located within a small scheme of terraced houses to the north of Dingle town in County Kerry. It is a mid-terrace dormer dwelling with front and rear garden space. There is an existing small timber shed in the garden space to the rear close to the rear elevation of the house. Each of the houses within the terrace in the immediate vicinity have similar timber sheds set back from the houses in the rear garden spaces.

2.0 Proposed Development

2.1. The proposed development would comprise the construction of a domestic shed to the rear of the house. The shed would be approximately 16.35 square metres in area and would be 4 metres high. The walls would be of block construction and finished in plaster and the roof would be slated.

3.0 Planning Authority Decision

3.1. Decision

On 9th December 2020. Kerry County Council decided to grant permission for the proposed development subject to 6 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions and third party submissions. It was recommended that further information be sought in relation to the existing shed on the site, the need for a cross section, materials to be used, oil burner fumes from the existing shed on site, and compliance with condition 3 of Planning Permission 04/820, being the parent permission for the site.

3.3. Third Party Observations

An objection from Michael Dillion raised concerns relating to the existing shed on the site, the scale of the proposed shed, the proximity to his property, overshadowing, and the commercial nature of the building.

The appeal submission from Helen Stacey reflects the principal concerns submitted to the planning authority.

- 3.4. A request for further information was sought and a response to this request was received by the planning authority on 13th November, 2020. It was submitted that the existing timber shed would be replaced by the new shed, which would be constructed in cavity block and plastered and the roof slated to match the existing house. It was also submitted that the shed would be 1.5 metres from relevant boundaries.
- 3.5. Following the receipt of this information, the Planner considered the submission to be acceptable and recommended that permission be grant subject to conditions.

4.0 Planning History

P.A. Ref. 04/820

Permission was granted for the construction of 13 dwellings. The conditions attached with the permission include:

3. *No garage or other structure shall be erected within 1.5 metres of the centre of any divisional boundary or adjoining property on either side of the proposed dwelling house.*

Reason: *To regulate and control the layout of the development.*

13. *Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no extension or other structure, including all fences and walls within the overall site, shall be erected on the site without a prior grant of permission for such development.*

Reason: *To ensure the preservation of a good standard of amenity.*

5.0 Policy Context

5.1. Dingle Functional Area Local Area Plan

Daingean Uí Chúis Local Area Plan

The estate of Cairn Árd lies immediately west of and just outside of the settlement boundary for Daingean Uí Chúis.

5.2. Kerry County Development Plan

The site lies within an area designated 'Rural General'.

5.3. Appropriate Assessment

The site of the proposed development is located within the serviceable urban area of Dingle within an established residential estate. This is a location which is separated from Mount Brandon SAC remote to the north of the town and Dingle Peninsula SPA distant to the south by extensive buildings, infrastructure, agricultural lands, and other developments. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

5.4. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant resides at No. 10 Cairn Árd. The grounds of the appeal may be summarised as follows:

- There are existing sheds in the rear of most of the houses in Cairn Árd and these enclose and protect the central heating boilers of the houses. They are uniform in height, scale and footprint and are very significantly smaller than the proposed development.
- The drawings and specifications provided in the application are unsatisfactory and it is difficult to gauge an accurate picture of the exact location of the proposal, the proportion of the rear garden it would occupy, and the levels, height and visual intrusion relative to neighbouring houses. The drawings omit the existing shed.
- The bulk, scale and design of the proposal would be inconsistent with the objectives of Planning Permission 04/820 and would represent a significant departure from the permitted development. Even if used as a domestic shed, its location and dimensions would impact significantly on the amenities of neighbouring houses. The dimensions and design give rise to concerns that it is intended for other purposes.
- The scale and size are excessive on a limited site area and would constitute overdevelopment, prejudicing residential amenities.
- The height of the shed would directly impact on the appellant's visual amenities and light.

The appellant seeks a refusal of permission but asks that, if the Board is of the view that the development could be permitted in principle, conditions would be attached significantly reducing the height of the proposal and restricting the use such that it is legally enforceable.

6.2. Applicant Response

The applicant's response may be summarised as follows:

- The appellant does not live full time in the area.
- The appellant has a shed in her back garden similar to all residents without planning permission having been given.
- The applicant's shed is dilapidated and needs replacement with a structure more suitable to the climate.
- The area of the shed applied for is in or about the area a shed could be built as exempted development if Condition 13 of the parent permission had not been applied.
- The height is the usual maximum height for an exempted structure.
- One of the doors alluded to is for the boiler and the other is for the shed. The window width is not excessive.
- The appellant is not entitled to any view and the structure will not impede the view.
- It is a domestic shed and it will not be used for any other purpose.

6.3. Planning Authority Response

The planning authority considered the proposed shed was appropriate to the plot size.

7.0 Assessment

- 7.1. I first note the conditions of the planning permission relating to the development of the estate under P.A. Ref. 04/820. Condition 3 of that permission clearly did not prohibit the principle of the development of a garage or other structure and such a structure was required to be developed in a manner such that it was not erected within 1.5 metres of the centre of any divisional boundary or adjoining property on either side of a house. Condition 13 of that permission, in requiring any extension or other structure to be subject to a grant of planning permission, obligates the

applicant in this instance to seek permission for the 'other structure', namely the proposed shed.

- 7.2. Notwithstanding the allowance of the principle of such development, I submit to the Board that the rear garden spaces at Cairn Árd are extremely confined in width, depth and area, as can be gauged from the submitted drawings. The configuration and restricted plot area, therefore, limit the ability to develop any detached structure of functional value. I observe that there are small timber sheds to the rear of houses at this location, which in my opinion are balanced in scale to serve the needs of occupants of these houses without interfering with the amenity of neighbouring properties, while retaining small functional private spaces to the rear of the houses, and which provide a consistency in the appearance and presentation of the estate. I submit to the Board that the proposed shed, while small in conventional terms, represents a significantly larger structure than those which exist, occupying a substantial area of the rear garden space of No. 8, and constituting a development which would be wholly inconsistent with the pattern of ancillary structures that prevail at this location. This not alone would be likely to impact on adjoining residential properties because of its visual intrusiveness and some degree of overbearance in relative terms due to its greater scale, but it would also substantially absorb the private amenity space of this residential property and leave a small circulation space only between the shed and the house. This, in my opinion, constitutes overdevelopment.
- 7.3. A most important observation to make also, if consideration is given to permitting such a development, is the precedent that would be set. The rear garden spaces of this terrace of houses are publicly visible from the estate road. The houses are developed on a slope and the stepped presentation of the houses, garden spaces, and small sheds are important to the quality of presentation of the estate. The consistency of approach to ancillary structures is integral to this presentation. I submit to the Board that permitting this development would most likely culminate in the development of other ancillary structures in the immediate vicinity. I do not consider that there would be a consistency in scale, form, height, design or general character of such structures. In permitting such development one would likely be introducing an undermining of the character and presentation of this estate.

7.4. Finally, I submit that it should not be understated that the rear garden spaces of this terrace of houses are very restricted, they cannot accommodate any additional structures with footprints of the scale proposed in this application without severely eroding the private amenity spaces of neighbouring residential properties, and clearly development of this nature and extent would have knock-on adverse effects on the residential and visual amenities of this location.

8.0 Recommendation

8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

It is considered that the proposed shed would constitute overdevelopment of a restricted site and would result in substandard development in terms of residential amenity for the occupants of the house due to the inadequate private amenity space remaining. In addition, by virtue of the siting of the structure, its proximity to neighbouring residential properties, the stepped nature of the rear garden spaces associated with the terrace of houses at this location, the building's scale and height, its visibility from the public realm, and the consistent form and character of the established estate, it is considered the proposed development would seriously injure the residential and visual amenities of the area, would conflict with the existing pattern of development, and would set an undesirable precedent for further development of this nature at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

24th February 2021