



An
Bord
Pleanála

Inspector's Report

ABP-309687-21

Development	Retention of garage.
Location	Brissac , Ashtown , Roundwood, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20/1284
Applicant(s)	Laura and Frank Boué.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Jaime Keane.
Observer(s)	None.
Date of Site Inspection	7 th May.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site measures 0.59ha and is located in the townland of Ashtown in Roundwood. The site comprises a single storey dwelling and garage. The site form part of a cluster of four houses accessed via a shared entrance onto the public road.
- 1.2. The house has been set into the lands which are elevated, and the garage is set behind the dwelling and has a subservient ridgeline to that of the dwelling. The design of the dwelling take a traditional form whilst the remaining properties in the cluster are largely modern.

2.0 Development Description

- 2.1. Retention permission for garage - 99sqm in floor area and 5.27m high

3.0 Planning Authority Decision

- 3.1. Wicklow County Council determined to **Grant** permission.

3.2. Planning Authority Reports

- 3.3. The final planners report was consistent with the decision of the planning authority.

3.3.1. Other Technical Reports

- None

3.4. Prescribed Bodies

- None

3.5. Third Party Observations

- 3.6. 2no. objections were received from Jaime Keane and MC Murphy, the issues raised are outlined within the grounds of appeal.

4.0 Planning History

07/2185 - Laura Brady - Permission was granted for a dwelling, garage, secondary treatment system, well and associated site works.

Enforcement - UD File: 5247C - Outstanding issue - construction of garage without the benefit of planning permission.

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2016-2022

- Chapter 10 – Heritage

5.2. The nearest Natura 2000 site is the Wicklow Mountains SAC and SPA which is located c. 1.9km to the west of the development.

6.0 The Appeal

6.1. Grounds of Appeal have been submitted by Jamie Keane and can be summarised as follows:

- Should the garage be used as a habitable unit, it may cause an overload to the on site waste water treatment system.
- Garage is double the size of what was permitted.
- At the time of the original planning application the site was screened by mature trees which have been removed, site is now visible from public road and surrounding area.
- A condition of original permission was to plant trees of 2m in height.
- The scale of the garage is excessive, the council have refused similar developments within the county.
- Design of garage lends itself to future conversion to domestic use.
- Concerns are raised in relation to the chimney.

- It is suggested to insert a condition to the land registry to ensure garage is not used as dwelling.
- The condition imposed by the Council should be strengthened.
- Legal agreement in place which requires the applicant to obtain written consent to develop any building.

6.2. Planning Authority Response

- None

6.3. Observations

- None

6.4. Applicants' response

6.5. A response to the grounds of appeal was prepared on behalf of the applicants by McCaulay Rice architects and can be summarised as follows:

- Concerns over reason behind appeal.
- Appellant lives 16km away from appeal site.
- Appellant has never been on the appeal site.
- Appellant raised issues that are not relevant to appeal in relation to possible future uses.
- Garage is not connected to WWTP.
- Appeal is vexatious.

7.0 **Assessment**

7.1. This is a third party appeal against the decision of Wicklow County Council to grant permission for the retention of a domestic garage in the townland of Ashtown. The appeal site is located within the rural townland which is north west of Roundwood village. The garage was approved as part of the original planning permission for the dwelling and has been extended from that permitted. The permitted floor area was 48m² and the applicant now seeks permission for an additional c.28.5m². The principle

of the development has been established as acceptable under planning ref 07/2185, it is therefore the scale of the development and its impact upon both the residential and visual amenity of the surrounding properties and area that is of relevance to the consideration of this appeal as well as any requirement for an Appropriate Assessment. These issues will be examined hereunder.

- 7.2. It is important to note at the outset that the appellant refers to a legal agreement which requires written permission prior to any additional development being carried out at the site. No specifics are provided in this regard, nonetheless, it is important to note that such matters are not within the Board's jurisdiction to adjudicate upon. I refer the Board to Section 34 (13) of the Planning and Development Act, which states that the granting of permission does not entitle a person to carry out development and covers the eventuality that the development cannot be implemented for legal reasons. Such legal matters will not be considered further within this report.

Residential and visual Amenity

- 7.3. The constructed garage as mentioned above is set to the rear/side of the existing dwelling and has a lower ridge level to that of the dwelling. The development within the appeal site has been cut into the site and therefore sits significantly below the dwelling which is located to the rear of the site within this cluster of dwellings. The garage, due to the topography of the lands and the recessed nature of the development, does not impinge on neighbouring dwellings in terms of loss of outlook or impact their residential amenity in any way.
- 7.4. I consider that the development has been adequately assimilated into the site in terms of its overall scale, bulk and appearance.
- 7.5. I note from the information submitted with the planning application that the applicant required additional space to accommodate his work vehicle, I further note the applicant has a hobby which entails repairing metal items and motorised items. Based on the information submitted I am satisfied that the use of the garage is ancillary to the dwelling. Speculation as to what the garage could be used for in the future is futile and of no relevance to the assessment of this appeal. The use of the garage can be adequately restricted by way of condition, should the Board be of a mind to grant permission.

- 7.6. It is important to note that the appeal site does not interfere with any protected views or prospects identified within the Wicklow County Development Plan and as such I consider the proposal to be an acceptable form of development.
- 7.7. I note that the appellant raises concerns in relation to the potential for overloading of the onsite wastewater treatment system in the event that the garage is used for human habitation and connected to the system. There are no toilet facilities within the garage and as outlined within the information submitted, the garage is not connected to the onsite wastewater treatment system. I note from the information submitted that this system has been installed and is operating appropriately. I am satisfied therefore that the development does not give rise to any public health concerns and is therefore acceptable in this regard.

Appropriate Assessment

- 7.8. Having regard to the minor nature of the development, its location abutting a serviced urban area, and the separation distance to any 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.

Conclusion

- 7.9. Overall, I consider the proposed development to be compliant with the provisions of the Wicklow County Development Plan 2016-2022, the garage at this location will not give rise to any visual or residential amenity impact and is in accordance with the provisions of the development plan and sustainable development of the area.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to the following conditions:

9.0 Reasons and Consideration

- 9.1. Having regard to the provisions of the Wicklow County Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of

the area or of property in the vicinity. 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 retained in accordance with the plans and particulars submitted to the local authority on the 15th December 2020 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This garage shall be used for private domestic use only and shall not be used for human habitation or for any commercial purpose.

Reason: To safeguard the residential amenities of adjoining properties.

3. All surface water run-off from roofs shall be collected and disposed of within the site to soak pits. In particular, no such surface water run-off shall be allowed to flow onto the public roadway or adjoining properties, nor to discharge to the (effluent disposal system).

Reason: In the interests of traffic safety and residential amenity.

Sarah Lynch
Planning Inspector

8th May 2021