



An
Bord
Pleanála

Inspector's Report ABP-309712-21.

Development	Extension to dwelling, changes to elevations, demolition of two sheds and construction of two sheds.
Location	Cloonbiggin, Claregalway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/1158.
Applicant(s)	Keith Hynes.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	First Party v Condition
Appellant(s)	Keith Hynes.
Observer(s)	None.
Date of Site Inspection	8 th May 2021.
Inspector	Patricia Calleary.

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.218 ha, is located along a local road, the L-6199, in the rural townland of Cloonbiggin, north of Claregalway in County Galway. The site is occupied by a single storey house measuring 104 sq.m gross floor area (GFA) and directly behind this house is an L-shaped structure comprising two adjoining sheds with a height of up to 4.2m and a collective GFA of c.145 sq.m. The site measures c.90m in length and between c.20m and c.30m in width. The L-6199 fronting the site connects with the R354 regional road (formerly the N63) at a junction c.800m to the southeast.
- 1.2. The house on site is one of a group of single houses laid out along the local road. There are two vehicular access points serving the house. A recently constructed agricultural building/slatted house occupies a neighbouring adjoining site to the rear of the site. The site boundaries are marked by block walls to the front and sides, and there are mature trees along the rear boundary. Excavated rock has been deposited on an area of ground to the rear of the site. Ground levels on site and in the surrounding area are relatively flat.
- 1.3. The house on site is served by a septic tank and percolation area and a public water supply.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single-storey side extension (66 sq.m) to the existing house, the carrying out of alterations to the elevations of the house, the demolition of the two adjoining sheds (145 sq.m) and the construction of two new shed structures (155 sq.m) in an 'L' shaped layout at the rear of the site with a maximum height of c.5m.
- 2.2. The planning application was accompanied by a cover letter setting out the applicant's justification for the replacement shed structures. A response to further information was accompanied by a report entitled 'Minor Flood Risk Assessment'.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a decision to grant permission subject to 11 conditions, most which are of a standard nature, but also including condition 3, the subject matter of this appeal, as follows:

Condition No.3: Prior to the commencement of the development on site, revised plans/particulars shall be submitted to the planning authority for written agreement, for a shed structure(s) that has a maximum GFA of 80 sq.m and a maximum height of 5m.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The **initial planner's report** (October 2020) set out an assessment of the application and noted that the principle of the development to extend and alter the existing house and sheds was acceptable. It was also stated that the design for the house extension and alterations were acceptable. Concerns were expressed by the planning officer regarding the scale of the sheds proposed, which were stated to be in excess of the scale of the existing sheds on site and of that permitted on the adjoining site. It is stated that the size of the proposed sheds would be required to be reduced in size in order to be considered acceptable. A request for further information issued which included a request for proposals to substantially reduce the size of the sheds.
- 3.2.2. The **final planner's report** (February 2021) dealt with the applicant's response to the request for further information. In relation to the issue of flood risk, it was set out that the development is located within Flood Zone 'C' and that the development would not give rise to any increase in flood risk on adjoining properties. In relation to the proposal for the sheds, the applicant's justification for same was noted. It is stated that a shed with a GFA of 80 sq.m is considered reasonable, noting that 60 sq.m is normally the scale of sheds considered by Galway County Council to be ancillary to a domestic dwelling. A recommendation to grant permission issued. It

included a condition, Condition no.3, which required revised plans to be submitted for a shed structure with a maximum GFA of 80 sq.m and a maximum height of 5m.

3.2.3. Other Technical Reports

- none

3.2.4. Third Party Observations

- none

4.0 Planning History

4.1. Application / Appeal Site

- There is no recent planning history associated with the site. Reference is made in the planning officer's report to the dwelling on site being granted permission in the 1970s with no evidence of any shed buildings or subsequent planning permissions for same.

4.2. Adjoining Sites

4.2.1. A review of the planning authority's online planning register revealed the following recent grants of permission.

East/southeast of Application/Appeal Site

There are a number of planning decisions on the site immediately adjacent to the southeast of the appeal site, including the most recent one:

- **PI Ref: 161590:** Permission granted (August 2017) for the retention of the change of roof design and window/door layout to the existing garage structure to those granted under PI. Ref. 05/3171 and the construction of an extension to the existing garage for storage purposes. GFA of proposed garage extension is 78sqm (135.8 sq.m total GFA).

Rear (southwest) of Application / Appeal site

- **PI Ref: 171866:** Permission granted (July 2018) for an agricultural slatted shed along with a separate dry storage agricultural shed, including paved yard, perimeter walkways, cattle fencing, effluent storage and all associated services with a GFA of 160sqm (slatted shed) and 163sqm (dry shed).

5.0 Policy and Context

5.1. Development Plan

5.1.1. Galway County Development Plan 2015-2021 is the relevant statutory plan for the area. The following provisions are relevant:

- Objective RHO9 - Design Guidelines - It is an objective of the Council to have regard to Galway County Council's Design Guidelines for the Single Rural House;
- The site is located in a rural area under strong urban pressure (Rural Area Types – RHO1);
- The development is located in Zone 4 (An Ghaeltacht) – Rural Housing Policy – RHO1;
- The development is also located in an area with a Landscape Value rated Low and Landscape Sensitivity and Character area rated Class 1-Low . In this area no visual impact assessment is required.

5.1.2. Galway County Council commenced a review of the current Development Plan 2015-2021 on 18th June 2020 and the preparation of a new County Development Plan for the period 2022 to 2028 is underway.

5.2. European Designated Sites

5.2.1. The nearest designated European sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. European sites proximate to appeal site

Site Code	European Site Name	Distance to closest point	Direction
000297	Lough Corrib SAC	232m	south
004042	Lough Corrib SPA	4.3km	west
004031	Inner Galway Bay SPA	9km	south
000268	Galway Bay Complex SAC	9km	south

5.3. Environmental Impact Assessment - Preliminary Examination

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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. A first-party appeal has been lodged only against condition no.3 of the planning authority's decision to grant planning permission. It is stated that the proposal is to demolish the existing sub-standard shed/garage structures and to provide adequate garage/storage space of similar size for uses including the housing of two cars and one work van vehicle, fuel storage and providing a lock-up for work tools and equipment.

- 6.1.2. The following grounds of appeal are raised:

- The existing shed structures are 70 years old and of sub-standard single block construction and it would not be feasible to refurbish these structures;
- The applicant (Mr. Keith Hynes) is a self-employed carpenter and requires adequate storage facilities for the storage of prefabricated units;
- The proposed shed structures would not be excessive in scale and would be located to the rear of the existing site, set back a considerable distance from the public roadway, on a generous site size;
- The proposed location of the replacement sheds would improve the visual amenities of the site and area.

6.2. Planning Authority Response

- 6.2.1. The planning authority did not respond to the grounds of the appeal.

6.3. Observations

- 6.3.1. None received.

7.0 Assessment

7.1. Introduction

- 7.1.1. The appeal is made against condition No.3 attached to the grant of permission. Condition No.3 requires a compliance drawing to be submitted for a shed structure with a maximum GFA of 80 sq.m and a maximum height of 5.0m. It has a stated reason 'in the interest of visual amenity and the proper planning and sustainable development'.
- 7.1.2. The planning authority state that a shed size of 60 sq.m is normally permitted and that the sheds proposed, with a GFA of 155 sq.m, would be larger than the sheds currently on site (proposed to be demolished) and would be in excess of the GFA of those permitted on the adjoining site to the west. There is no recent planning history on the adjoining site to the west/northwest. There is a permission relating to the site on the east/southeast of the appeal site (**PI ref: 16/1590**) where an extension to an existing shed on site has been permitted resulting in a total GFA of 135.8 sq.m for the enlarged shed design. For ease of reference, I have placed a copy of the relevant drawings and documents relating to that application (**PI Ref: 161590**) pertaining to this immediately adjoining site on the Boards file. In addition, under **PI Ref: 171866**, permission was granted for an agricultural slatted shed together with a separate dry storage agricultural shed (GFA of 160 sq.m for the slatted shed and 163sqm for the dry shed) to the rear/southwest of the appeal site. As permitted, these agricultural sheds are positioned c.50m behind the appeal site rear boundary.

7.2. Nature of Appeal

- 7.2.1. Having regard to the nature of the appeal, which relates to the size of a proposed shed structure and noting the lack of third-party observations or appeals, I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I consider, therefore, that the appeal should be dealt with in accordance with the provisions of Section 139 of the Planning and Development Act 2000, as amended.

7.3. Design and Amenities

- 7.3.1. It is stated that the shed structure, comprising two adjoining sheds, would provide shelter for two cars and a work van and carpenter tools as well as a fuel store and

for storage purposes. The appellant states that they work as a carpenter and the sheds would also be used to store prefabricated units as part of their trade.

- 7.3.2. The proposed sheds would feature an 'L' shaped footprint, single storey in scale and 5m in height, with a design and materials similar to the house on site. It would have a pitch roof and nap plaster walls.
- 7.3.3. There are no specific development management standards with respect to sheds or outbuildings set out in the Galway County Development Plan 2015-2021, however the planning authority have stated in their report on file that they generally seek to permit sheds up to a GFA of 60 sq.m. As set out above, the neighbouring site to the immediate south west has been permitted to extend a shed on site to result in an L-shaped shed structure, similar to the appeal site, with a resultant GFA of 135.8 sq.m.
- 7.3.4. The proposed development and site are located in an area with a Landscape Value rated Low and Landscape Sensitivity and Character area rated Class 1-Low . In this area no visual impact assessment is required, and the site is not in any sensitive landscape area and it would not interfere with any protected views.
- 7.3.5. The shed structure would be located to the rear of the site. It would only be visible for a very short stretch along the roadside directly fronting the appeal site and it would not be highly visible within the immediate or surrounding landscape. The proposal to demolish the existing double shed structure on the site, which is in poor condition, and the replacement of same with a new shed structure with a slightly greater floor area, would result in an improvement to the visual amenity of the site and area.
- 7.3.6. The development would be complementary to the host house and having regard to its location, scale and height, and to the generous site size of 0.218 ha, would integrate satisfactorily within the site and surrounding landscape and would be acceptable in the context of visual amenities. It would not result in any overlooking, overshadowing or be intrusive in any way onto adjoining properties and therefore would not cause harm on residential amenities of the neighbouring properties.
- 7.3.7. I note that Condition 4 attached to the planning authority's decision requires that the shed structures shall not be used for habitable or commercial purposes or any other purpose other than that incidental to the enjoyment of the existing dwelling on site. This condition has not been appealed and it would serve to regulate the use of the shed structures and safeguard the adjoining residential amenities.

7.3.8. In conclusion I recommend that the Board should direct the planning authority to remove Condition No.3.

7.4. **Appropriate Assessment Screening**

7.4.1. Having regard to the nature and scale of the proposed development and the separation distances to the nearest Natura 2000 sites, no Appropriate Assessment issues arise, and it is not considered that the 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**

8.1.1. I recommend that the Board direct the planning authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to **REMOVE** condition number 3 for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

9.1. Having regard to the nature and scale of the proposed development and the pattern of development in the area, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of condition number 3, are not warranted, and that the proposed development, with the removal of condition number 3, would be in accordance with the provisions of the Galway County Development Plan 2015-2021, would not seriously injure the visual amenities of the area and would therefore, be in accordance within the proper planning and sustainable development of the area.

Patricia Calleary
Senior Planning Inspector

15th May 2021