



An
Bord
Pleanála

Inspector's Report ABP310361-21

Development	Retain domestic garage.
Location	Bang Up Cross, Castlegrace, Ballon, County Carlow.
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	PL21.78.
Applicant(s)	James Nolan
Type of Application	Retention Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	James Nolan
Observer(s)	None
Date of Site Inspection	9 th July 2021.
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.454ha. There is a bungalow and shed on the western half of the site and the garage, the subject of this application, on the eastern portion of the application site. There are two entrances on the public road one in front of the dwelling house and one at the eastern roadside corner serving the subject garage. The entrance serving the garage is about 50m from the junction with the N81. The area is generally rural and the predominant landuse is agriculture.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of a garage and associated works at Bang Up Cross, Castlegrace, Ballon, County Carlow.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission because the scale, bulk, form and appearance would be out of character with the pattern of development in the area. The proposal has two access points to the public road and is not consistent with use as a domestic garage and would be contrary to the design guidance set out at section 2.7.3 of the County Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal of permission as set out in the manager's order.

3.2.2. Other Technical Reports

- 3.2.3. **Transport Planning Section** stated that the site is off the N81, that domestic scale traffic would be minimal whereas if the development created commercial traffic it could be significant and recommend a condition limiting the use to domestic use.

- 3.2.4. **The Fire Service** reported no objection.
- 3.2.5. **Environment Section** stated that only clean surface water would arise, and this should be conditioned to be disposed of within the site.
- 3.2.6. **The Area Engineer** reported that this is not a domestic garage but would be used for commercial purposes. No objection to domestic use but sightlines are inadequate for commercial uses.
- 3.2.7. **Irish Water** Reported no objection.

4.0 Planning History

Permission granted to current applicant under reference CW5794 for the house on site.

Enforcement file UD20-66 refers to the garage and commercial engineering works.

5.0 Policy and Context

5.1. Development Plan

- 5.2. The Carlow County Development Plan 2015 – 2021 is the relevant County Development Plan for the area.

Section 2.7.3 Design Sighting Requirements

Consideration of individual planning applications will also be subject to normal design sighting requirements including:

- The need to demonstrate that the location chosen has sufficient capacity to absorb further development without a detrimental impact to the essential rural character of the area. Issues to be examined in this regard include the degree of existing or resulting ribbon development, the degree of development on the landholding and the degree to which previously approved rural housing developments have been retained in family or applicant's ownership

- The need to take account of and successfully integrate proposed buildings with the physical surroundings and other aspects of the natural and cultural heritage
- The need to protect features that contribute to the attractiveness and distinctiveness of the area e.g. land cover, habitats, trees, water bodies, historical and archaeological landscape, scenic views, ridges, skylines, geological and topographical features
- The need to protect public safety and ensure that proposed vehicular access points do not give rise to traffic hazards
- The need to ensure that on site waste water treatment and disposal systems are designed, installed and maintained in a manner that protects water quality
- The need to ensure that the proposed dwelling (in terms of form, size style fenestration etc) is compatible with the vernacular of the local area.

5.3. Natural Heritage Designations

Not relevant.

5.4. EIA Screening

- 5.5. The proposed development is not of a class of development within the Fifth Schedule to the Planning and Development Regulations 2001, as amended, and therefore does not require submission of an EIAR and carrying out of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- The garage is large for a number of reasons including; the smaller garage on site had cracked foundations and needs to be replaced, the garage provides a hobby workshop for the applicant who works in Dublin, the garage is related to a small farm and stores a tractor and farm implements, additionally firewood is stored in it.

- The building has green cladding which helps it to integrate onto the rural area.
- The garage is located in the lowest part of the site and does not cause overlooking of any adjoining properties.
- Screen planting has been put in place on the site boundaries.
- There are two site entrances. The second entrance front of the garage has existed for 30 years, but the applicant will close that entrance if required.
- The applicant would welcome a condition limiting the use of the garage to domestic uses only.

6.2. Planning Authority Response

- The planning authority's views are set out in the planner's report submitted to the Board.

6.3. Observations

- None

7.0 Assessment

7.1. The planning authority's refusal references a number of points.

7.2. The refusal reason states that the scale/bulk and form of the garage is out of character with the pattern of development in the area. The area is generally rural in character and the dominant landuse is agriculture. The area has a number of smaller villages/clusters of development and Ballon village is nearby to the southwest. There is some one-off housing along the local road network which appears unrelated to agriculture and there are farmyards in the area. The garage is set back about 33m off the edge of the public road into the site, is finished in a dark green unobtrusive colour and there is reasonable screening around the site. Having regard to these factors I conclude that the garage is not unreasonably obtrusive in views within the area in a manner as to seriously injure the visual amenity of the area.

- 7.3. The planning authority's reason for refusal makes the related point that the size of the garage and its separate entrance is inconsistent with a domestic use. The area engineer reports that the site and separate entrance are not suitable for commercial use as the resultant traffic movements would endanger public safety. I note the proximity of the site to a junction with the heavily trafficked N81 and I agree with the area engineer's this point in relation to intensification of use. I consider that, if the Board is minded to grant planning permission, the applicant should be required to close up the new entrance so that the garage may be accessed over the existing permitted domestic entrance further from the junction of the public road with the N81. The applicant in the appeal suggests this as a condition of a grant of planning permission.
- 7.4. In relation to the domestic scale of the garage I recognise that it is relatively large at 195m². On the other hand, the applicant makes the reasonable case that it serves as solid fuel and tractor storage relate to a 10 acre farm in his ownership. Overall, I conclude that larger storage sheds/garages are a feature of rural life and subject to maintenance of a domestic scale uses set out in the application and appeal I consider that the proposed development is acceptable.
- 7.5. **AA Screening**
- 7.6. Having regard to the nature and scale of the structure proposed for retention and the absence of emissions therefrom I conclude that the proposed development will not be likely to have any significant effects of any European site.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

Having regard to the stated purposes of the garage as domestic scale storage related to hobby pursuits and storage of a tractor, to the pattern of development in the area and subject to the conditions set out below it is considered that the proposed development would not seriously injure the visual or residential amenity of the area or endanger public safety by reason of traffic hazard and would otherwise accord with the objectives of the Carlow County Development Plan 2015 to 2021 and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Within 6 months of the date of this order the vehicular entrance in the eastern corner of the site shall be closed up and replaced by a suitable boundary treatment to the satisfaction of the planning authority.</p> <p>Reason: In the interest of traffic safety.</p>
3.	<p>The garage shall be used solely for purposes incidental to the domestic use on site, shall not be used for any commercial or business use and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling house on site.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>

4.	<p>All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to adequate soakpits and shall not be allowed to discharge to the public road. Details providing for this arrangement shall be submitted to and agreed in writing with the planning authority within 6 months of the date of this order.</p> <p>Reason: In order to prevent water pollution.</p>
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Hugh Mannion
Senior Planning Inspector

10th September 2021