



An
Bord
Pleanála

Inspector's Report

ABP-310783-21

Development	Retention permission for existing timber garden shed with pent style roof in rear garden, for use as home gymnasium
Location	8 Somerville, Ratoath, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21734
Applicant(s)	Francis & Helen Reilly.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Shirley & Francisco Alves.
Observer(s)	No Observers.
Date of Site Inspection	18 th November 2021
Inspector	Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.032ha, (320m²), and is located on the south-western side of Ratoath, approximately 0.5km from the town centre. It is located within the residential development of Sommerville, on a cul-de-sac of 6 houses of similar style and scale. No. 8 Sommerville is a two-storey house with an open plan space to the front and a private garden to the rear with side access on both sides.
- 1.2. The side gable of No. 8 faces onto the rear of No. 7 which is orientated towards the internal link road. Due to its positioning in the street, the southern boundary of the subject site is at an angle which results in a smaller rear garden than the adjoining houses. All houses on the cul-de-sac have a staggered elevation with the front facades set back from each other.

2.0 Proposed Development

- 2.1. Planning permission is sought to retain a timber garden shed of c. 17.5m², in the rear garden of No. 8 Sommerville. The shed has been placed against the northern site boundary with No. 9 Sommerville. The shed has dimensions of 4.7m x 3.7m with a pent style roof of 2.98m at its highest point and 2.3m at the lower side which faces onto the neighbouring property).
- 2.2. The shed has double doors and two windows on the front elevation, facing south with one additional window on the side elevation facing west.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the PA subject to two planning conditions which are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated the 28th May 2021 informed the decision of the PA and includes the following:

- The development proposed for retention is considered to be generally in accordance with the recommendations contained in Sections 11.2.4 of the Meath County Development Plan, (CDP), 2013 – 2019.
- The design scale and location of the proposal is acceptable and will not have a visual impact on surroundings or a negative impact on the neighbouring residential amenities.

3.2.2. Other Technical Reports

- No reports on file.

3.3. Prescribed Bodies

- No referrals were made to Prescribed Bodies.

3.4. Third Party Observations

One third party observation was received by the PA and raised the following issues:

- Negative visual impact when viewed from the neighbouring house,
- Maintenance of the structure will be difficult due to its location against the fence,
- The height of the structure results in loss of light to rooms,
- Overlooking from side windows,
- The structure is out of character,
- The combination of two structures in the garden represents overdevelopment,
- The shed may be used for a business use rather than a gym.

4.0 Planning History

- No planning history was found for the subject site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Meath County Council. The operative Development Plan for the area is the Meath County Development Plan, (CDP), 2021-2027, which came into effect on the 3rd November 2021.
- 5.1.2. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2013 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Meath County Development Plan.
- 5.1.4. The following sections of the Meath County Development Plan 2021-2027 are relevant to the proposed development;

11.5.25 Extensions in Urban and Rural Areas

DM OBJ 50 - All applications for residential extensions in urban and rural areas shall comply with the following criteria:

- High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc;
- The quantity and quality of private open space that would remain to serve the house
- Flat roof extensions, in a contemporary design context, will be considered on their individual merits,
- Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows,

yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy,

- Extensions which break the existing front building line will not normally be acceptable. A porch extension which does not significantly break the front building line will normally be permitted.
- Dormer extensions shall not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof;
- Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc.
- Ability to provide adequate car parking within the curtilage of the dwelling house
- In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.

5.2. Natural Heritage Designations

- No designations apply to the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The shed structure is positioned against the boundary with the adjoining property to the north. It is just 3.5m from the rear of the adjoining house at No. 9 Sommerville and is visually intrusive and unsightly.
- The back of the shed is against the boundary fence and will be difficult to maintain. It could become unsightly when viewed from the neighbouring house at No. 9.
- The height of the structure will reduce the light to the rooms in No. 9.
- The windows in the structure will result in overlooking.

- The finish is out of character with the adjoining development.
- There are now two detached structures in the garden which creates a feeling of overdevelopment in the small back garden.
- There is a concern that the structure will be used for business purposes.

6.2. **Applicant Response**

A response was received by the applicant on the 30th July 2021 and includes the following:

- The existing shed is in use as a home gymnasium and is not in use for massages or any other business as outlined by the appellants.
- The shed is well maintained and is positioned away from all boundaries.

6.3. **Planning Authority Response**

A response was received from the PA on the 4th August 2021 and includes the following:

- The proposed development was considered to be consistent with the policies and objectives outlined in the Meath County Development Plan 2013-2019.
- The Board is respectfully requested to uphold the decision of the PA to grant permission for the development.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The subject site is located within the development boundary of Ratoath and forms part of an existing housing development. The site is zoned objective 'A1', Existing Residential, and the proposed development is ancillary to an existing residential use. Therefore, the principle of development is acceptable.

7.3. Impact on Residential Amenity

- 7.3.1. Planning permission is sought to retain a garden shed to the rear of an existing detached house. The shed is a timber structure with a pent roof profile which has a height of 2.3m on the lower side, facing the adjoining property, and 2.95m on the higher side. It has a footprint of 17.5m² and is positioned against the northern site boundary to the adjoining site at No. 9 Sommerville. The shed would be used as a home gym and would be in addition to an existing garden shed in the rear of the garden. The remaining private open space to the rear of the house would be in the order of 90m².
- 7.3.2. The proposed development is minor in scale and would be ancillary to the main residential use. The remaining 90m² of private open directly adjoins the rear of the existing dwelling and is sufficient to provide a reasonable amenity space for residents. I am satisfied that the proposed development for a second structure within the rear garden does not represent an overdevelopment of the site by virtue of its scale and the remaining open space.
- 7.3.3. In terms of the residential amenity of the adjoining property to the west at No. 9 Sommerville, issues raised in the grounds of appeal relate to loss of light and visual impact. The appellant notes that due to the staggered positioning of the houses, the rear elevation of the adjoining house at No. 9 is closer to the side of the shed than the subject house which results in additional impacts. The side of the shed is approximately 4m from the rear of the appellants house, but as it is on the adjoining site, it does not directly oppose any rear windows. The rear elevation of the shed is also visible above the existing boundary fence.

- 7.3.4. Having observed the shed from both sites, I am satisfied that the structure is not of a scale that would result in an overbearing impact on the appellants property. The top of the window on the side of the shed is slightly higher than the boundary fence. However, it is not at a level that would allow for overlooking of adjoining property or loss of privacy. The same is true for the doors and windows on the front elevation which faces onto the southern site boundary and towards the rear of No. 6 Sommerville. I am also satisfied that the scale of the shed would not result in any loss of light to the adjoining property, the rear elevation of which is 4m away from the shed and at an oblique angle.
- 7.3.5. Concerns were also raised in the ground of appeal that the rear elevation of the shed would be inaccessible for maintenance. There is approximately 0.5m clearance between the rear elevation of the shed and the boundary fence, which is sufficient to carry out any maintenance required. I note that the appellants also raised the issue of the use of the shed within the grounds of appeal. On the occasion of the site visit the shed was in use as a gym. It is not within the remit of the Board to investigate allegations of unauthorised development. If an issue arises as to whether or not unauthorised development has occurred, this can be addressed by the PA under Part VIII of the Planning and Development Act 2000 (and subsequent amendments).
- 7.3.6. Having visited both the subject site and the appellants site, I am satisfied that the proposed development would not result in any undue negative impact on the existing residential amenity of the adjoining property.

7.4. Appropriate Assessment

- 7.4.1. The appeal site is neither within nor immediately abutting any European site. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, 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. I recommend that planning permission be granted.

9.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development for a shed to the rear of an existing house, it is considered that the nature and scale of the proposed development would be acceptable within the context of the site and that the proposed development would not result in a negative impact on the existing character of the area or the amenities of adjoining properties and would be in accordance with the policies and objectives of the Meath County Development Plan 2021-2027 and 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 application 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>The proposed development shall not be used for human habitation or for any other use other than as a use incidental to the enjoyment of the dwelling house as such, unless authorised by a prior grant of permission.</p> <p>Reason: In the interests of residential amenity.</p>

Elaine Sullivan
Planning Inspector

19th November 2021