



An
Bord
Pleanála

Inspector's Report

ABP-311111-21

Development	Retention of a 9.0M x 9.0M double height hobbies and storage shed constructed to the rear of the property
Location	1 St. Columbus Terrace, Ballivor, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA200419
Applicant(s)	Sean Spratt.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Raymond and Yvonne Heavey.
Observer(s)	N/A.
Date of Site Inspection	1 st of October 2021.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 1 Columbus Terrace, Ballivor. Ballivor is designated as a small town within the Meath County Settlement Hierarchy, located in the southwest of Co. Meath close to the Westmeath border. Ballivor has developed in a linear pattern along the R156, which links Mullingar to Dublin. The town provides for a wide range of facilities and services at present.
- 1.2. There is an existing semi-detached dwelling on site. The double height hobbies and storage shed, for which retention is sought, is located to the rear of the dwelling. The site is bounded to the north by existing residential properties, to the south by Ballivor Stream, to the east by the L4016 road and to the west by residential gardens. The appeal site boundary extends to include the existing residential property on site and has a stated area of 0.107ha.

2.0 Proposed Development

- 2.1. The development seeks to retain an existing double height storage shed to the rear of an existing semi-detached dwelling. The storage shed has a stated area of 81 sq.m. and a height of 5.4m. The front elevation contains 2 no. roller shutter doors. The structure is finished green PVC coated steel sheeting. The front elevation of the shed includes 3 no. roller shutter access doors.
- 2.2. The application documentation outlines that the shed is in use as a hobbies and storage shed for the applicant's camper van, boat and trailer and Jet Ski.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council issued a notification of decision to grant retention permission for the proposed development subject to 3 no. conditions. The following conditions area of note:

- Condition no. 2: *The structure shall be used for the purposes of a hobby and store only and shall be ancillary to the main dwelling and shall not be used for human habitation or any commercial, industrial or other use.*

- Condition no. 3: (a) *The development shall incorporate flood resilient design for construction, details of which shall be submitted for written agreement of the Planning Authority prior to commencement of the development.*

(b) *all electrics and electrical appliances shall be raised at least 500mm above the 1,000 year critical flood level*

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report (29/06/2021)

The initial planner's report recommends a request for further information in relation to flood risk. The following provides a summary of the main points raised:

- The PA concludes that the proposed development, by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Sites. In light of this, it is considered that a Stage 2 Appropriate Assessment is not required in this instance.
- The site is located within an identified flood zone- flood zone B. Further information is recommended in relation to the impact of the proposal on potential flooding in the area.
- Confirms use of the structure as a hobbies and storage shed.
- The structure is not considered to negatively impact on the on adjoining dwellings in terms of overlooking or overshadowing.

Planner's Report (15/07/2021)

The planner's report dated the 15th of July 2021 recommends that permission is granted to retain the development subject to conditions. The following provides a summary of the main points raised.

- A site specific flood risk assessment prepared by IE Consulting was submitted. The report from the environment (flooding) section in MCC raises no objection to the proposal subject to condition.

- The development to be retained is considered to be acceptable and in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Transportation Report: No objection to the proposal subject to condition specifying that the shed shall be used for non-commercial activities only.

Environment Department (Flooding): No objection subject to condition.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A submission from Raymond and Yvonne Heavy was received within the initial 5 week consultation period. The following provides a summary of the points raised.

- Concerns relating to the use of the proposed structure.
- Concerns relating to the size, height and scale of the structure is out of keeping with neighbouring structures.
- Visual Impact
- Concerns relating to the removal of mature trees to accommodate the structure.
- Unauthorised development.

A submission of the FI response was received by Raymond and Yvonne Heavy. The following provides a summary of the issues raised:

- Reference is made to enforcement proceedings on site.
- Development is out of scale and context for a storage and hobbies shed and excessive for a domestic setting.
- Impact on adjacent properties on grounds of proximity to boundary. The structure overshadows and has a negative visual impact on adjoining property.

- Set an undesirable future precedent.
- Depreciate value of adjacent properties.

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

Meath County Development Plan 2021-2027

- 5.1.1. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019. The Meath County Development Plan 2021-2027 was adopted by Meath County Council on the 22nd of September 2021 and came into effect on the 3rd of November 2021. I have assessed the proposal under the provisions of the operative Development Plan, namely the Meath County Development Plan 2021-2027.

Zoning:

- 5.1.2. The site is zoned Objective “A1- Existing Residential” with an objective “*to protect and enhance the amenity and character of existing residential communities*”.
- 5.1.3. The Development Plan sets out the following guidance for A1 zoned lands: “*Lands identified as ‘Existing Residential’ are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area*”.
- 5.1.4. Residential is listed as a permitted use on lands zoned for A1 purposes.

Other Designations

5.1.5. The zoning map extract details that the site is located within Flood Zones A and B, the extent of which is illustrated in the attached presentation document. The following policies/objectives of the Development Plan are of relevance:

- INF POL 18: To implement the “Planning System and Flood Risk Management –Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.
- INF POL 19: To implement the findings and recommendations of the Strategic Flood Risk Assessment prepared in conjunction with the County Development Plan review, ensuring climate change is taken into account.
- INF POL 20: To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management –Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.
- INF POL 21: To consult with the Office of Public Works in relation to proposed developments in the vicinity of drainage channels and rivers for which the OPW are responsible.
- INF OBJ 20: To implement the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DoEHLG/OPW 2009) or any updated guidelines. A site-specific Flood Risk Assessment should be submitted where appropriate.

5.1.6. The Strategic Flood Risk Assessment for Co. Meath is set out within Volume 4 of the Meath County Development Plan 2021-2027.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within or directly adjacent to a Natura 2000 site. The nearest designated sites include the River Boyne and River Blackwater SAC (Site

Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) which is located approximately 2km to the east of the appeal site.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development it is considered that 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

A third party appeal has been submitted from the occupants of an adjoining property at no. 4 St Columbus Terrace. The following provides a summary of the issues raised:

- Meath County Council failed to take appropriate and timely action to halt a development which was in breach of planning laws.
- The height of the proposal is out of scale in a residential setting of semi-detached bungalows. The shed directly adjoins the shared boundary and has created a high and intimidating boundary.
- Light pollution, when in use during night-time, from the two large roof skylights facing the appellants residence.
- Noise pollution associated with the hobbies.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

Meath County Council provided the following response to the grounds of appeal.

- The third party appeal has been examined by the Planning Authority. The Planning Authority is satisfied that all matters outlined above in the submission were considered in the course of its assessment of the planning application as detailed in the planning officers report.
- An Bord Pleanála are respectfully requested to uphold the decision of the Planning Authority.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and 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:

- Impact on Residential Amenity
- Other
- Appropriate Assessment

7.2. Impact on Residential Amenity

7.2.1. The principal grounds of appeal relate to the impact of the shed on the residential amenity of the appellant's property. The appellant's property at no. 4 St. Columbus Terrace adjoins the western boundary of the appeal site. Concerns in relation to the height of the structure, its visual impact and noise and light spillage impact associated with the use of the structure are cited within the grounds of appeal. Photographs of the shed from the appellants garden are submitted in conjunction with the appeal to demonstrate the visual impact of the structure.

7.2.2. The existing shed has a height of 5.4m, is clad in green PVC coated steel sheeting and has a stated floor area of 81 sq.m. (9m in length x 9m in width). The shed is located within the rear garden of the existing semi-detached dwelling at no. 1 St. Columbus Terrace. The Site Location Plan illustrates that it is set back by a max of 5m from the western site boundary, 2m to the south and 8m to the north. The front elevation of the shed includes roller shutter access doors. 6 no. perspex roof lights are provided at roof level of the shed.

- 7.2.3. I refer to the zoning objective pertaining to the site which seeks “*to protect and enhance the amenity of developed residential communities*”. I note the guidance set out within Section 2.9.6 of the Meath County Development Plan 2013-2019 which seeks to protect the amenities of established residents. The impact of the development on the residential amenity of adjoining properties is therefore a key consideration is assessing the development.
- 7.2.4. The existing character of development within the immediate vicinity comprises semi-detached bungalows. On-site inspection, I note that the shed is not a dominant feature in the surrounding street network. The main views of the structure are provided from the private amenity space of adjacent residential properties, as illustrated within the photographs submitted in conjunction with the appeal.
- 7.2.5. The primary grounds of appeal relate to the height of the structure and its overbearing visual impact on the adjoining residential property to the west. The existing shed is located to in the southern corner of the appeal site and has a shared boundary with the appellants property to the west. The appellants have a long south facing back garden c. 48m and the shed is located over 35m from the back wall of the appellants dwelling.
- 7.2.6. I refer to the photographs of the shed from the appellants garden attached to the appeal. These illustrate the existing boundary treatment between the appeal site and appellants property which include a high hedge and planting. I consider that the existing boundary treatment and the finish of the structure sufficiently negates against visual impact. I do not consider that the existing shed results in a visually overbearing impact on adjacent properties.
- 7.2.7. There are no window openings on the structure and the roller doors are sited on the front (eastern) elevation. In this regard no instances of overlooking of adjoining residential properties arises. Having regard to the siting of the shed relative to adjacent properties and private open space I envisage no significant overshadowing impact.

Noise

- 7.2.8. Concerns relating to noise associated with the use of the shed are raised within the grounds of appeal. Specific reference is made to noise from hobbies requiring the use of compressors/engines which will be amplified through the metal roof/shed. The

use of the shed is detailed within the application documentation as a storage and hobbies shed.

7.2.9. On-site inspection, I note that the shed was used for parking and storage of karting vehicles and parts. I do not consider that noise levels emanating from the structure would be over and above that of a domestic garage/shed.

7.2.10. I refer to the requirements of Condition no. 2 of Meath County Council's notification of decision to grant permission for the development which restricts the use of the shed for storage and hobbies use ancillary to the main dwelling. The condition specifies that the shed shall not be used for human habitation, commercial or industrial uses. I consider that the requirements of Condition no. 2 to be appropriate in the instance that the Board are minded to grant permission. In addition to restrictions on the use of the structure I furthermore consider that the points raised by the appellant could be addressed via a noise condition.

Light Spillage

7.2.11. Concerns relating to light spillage from the roof skylights at night-time are raised within the grounds of appeal. The application drawings illustrate that 6 no. skylights are provided at roof level with dimensions of Having regard to the location of the appellants dwelling relative to the storage shed at a distance of c.35m and the roof profile of the structure I do not consider that light spillage from the shed would impact on the residential amenity of the appellants property.

Conclusion

7.2.12. Having regard to the above reasons and considerations, I do not consider that the structure detrimentally impacts on the residential amenity of the existing property to the west of the site or any other property in the vicinity.

7.3. Other

Unauthorised Development

7.3.1. The grounds of appeal outline that Meath County Council failed to take appropriate and timely action to halt the development which was being erected without the benefit of planning permission. I note that the purpose of the application is to regularise the planning status of the structure. Enforcement proceedings are

governed by separate legislative requirements. I have assessed the application on its merits.

Development Contribution

- 7.3.2. I note the reference within the planner's report dated 14/07/21 that development contributions are not applicable in accordance with the current Meath County Development Contribution Scheme. However, I refer to Section 7.1 of the scheme which outlines that "*exemptions and reduction shall not apply to permissions for retention of development*". I recommend that a Section 48 contribution is therefore included in the instance that the Board is minded to grant permission for the development.

Flood Risk

- 7.3.3. The Strategic Flood Risk Assessment for Ballivor undertaken to inform the Meath County Development Plan 2021-2027 indicate the appeal site is within Flood Zones A and Flood Zone B.
- 7.3.4. A site specific flood risk assessment prepared by IE Consulting was submitted in response to Meath County Council's request for further information. The primary potential flood risk to the site is attributed to an extreme fluvial flood event in the Ballivor Stream which runs to the south of the appeal site. An assessment of flood risk associated with the development is undertaken in Section 6 of the study. This is informed by a hydraulic model developed for the watercourse. The model identifies that the appeal site is located within Flood Zone A and Flood Zone B. This is consistent with the results of the CFRAMS mapping for the area and the SFRA mapping for Ballivor.
- 7.3.5. Table 4 of the study indicates no impact on 1% AEP (1 in 100 year) flood levels in consideration of the pre-development scenario and the existing development scenario. The model identifies that the as constructed hobbies and storage shed has the potential to increase 0.1AEP (1 in 1000 year) flood events by 0.01m (10mm) at cross sectional locations 8 and 9 upstream of the site. The study identifies that the predictive increase at this location is imperceptible. No impact is identified in any other cross-sectional location. The FRA concludes that "*the as constructed hobbies and storage shed is not predicted to result in a significant adverse impact on*

hydrological regime in the area or result in significant increase in flood risk elsewhere”.

- 7.3.6. Section 10 of the FRA refers to a development management Justification Test. The storage shed is identified as a “less vulnerable development” under the terms of classification set out within Table 3.2 of the Flood Risk Management Guidelines. Having regard to the minor nature and scale of the development a case is made that the Justification Test is not required on the basis of the Guidance set out within Paragraph 5.28 of the Guidelines as follows:

“Assessment of minor proposals in Areas of Flood Risk – applications for minor development such as small extension to houses, and most changes of use of existing buildings and additions to commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant number of additional people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities”.

- 7.3.7. The FRA confirms that the storage shed does not obstruct important flow paths, it will not introduce a significant number of people to the area or entail storage of hazardous substances and a case is made that the provisions of 5.28 of the Flood Risk Management Guidelines are applicable in this instance. Having regard to the scale and nature of the proposal I consider that it can be classified as a “*minor proposal*” in accordance with Paragraph 5.28 of the Guidelines.

- 7.3.8. The environment (flooding) section in Meath County Council have raised no objection to the development subject to condition. The report furthermore outlines that the OPW have confirmed that they maintain the watercourse from the bank on the opposite side of the proposal. I refer to the requirements of condition 3 (a) of MCC’s notification of decision to grant permission for the development which outlines that:

- 3 (a) *The development shall incorporate a flood resilient design for construction, details of which shall be submitted for the written agreement of the Planning Authority prior to commencement of the development.*

7.3.9. Given the nature of the application which relates to retention of an existing structure and the nature of the proposed use, i.e., for parking and storage I do not consider that a condition relating to the specifications of construction materials to be required.

7.3.10. Having regard to the above reasons and considerations and the small scale nature of the proposal, I have no objection to the proposed development from a flood risk perspective.

7.4. **Appropriate Assessment**

7.4.1. The appeal site is not located within or directly adjacent to a Natura 2000 site. The nearest designated sites include the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) which is located c.2km to the east of the appeal site. The Ballivor Stream which runs to the south of the appeal site flows into the River Boyne.

7.4.2. As earlier detailed, the Flood Risk Assessment submitted in conjunction with the application details that the appeal site is partially located within flood Zone A and Flood Zone B associated with fluvial flooding with the Ballivor Stream. The application drawings illustrate 2 no. 100mm storm drains running from the storage shed and connecting to a soakpit within the site which addresses surface water drainage within the site. There are therefore pathways between the appeal site and designated sites.

River Boyne and River Blackwater SAC (Site Code 002299)

7.4.3. The River Boyne and River Blackwater SAC (002299) is of conservation interest for the following habitats and species: Alkaline fens [7230], Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0], *Lampetra fluviatilis* (River Lamprey) [1099], *Salmo salar* (Salmon) [1106] and *Lutra lutra* (Otter) [1355].

7.4.4. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks: *'To maintain or restore the*

favourable conservation condition of the Annex I habitat(s) and or Annex II species for which the site is selected’.

River Boyne and River Blackwater SPA (Site Code 004232)

- 7.4.5. The River Boyne and River Blackwater SPA (004232) is of conservation interest for the following species: Kingfisher (*Alcedo atthis*) [A229]. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks: *‘To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA’.*
- 7.4.6. Having regard to the minor nature of the development, the location of the site within a built up residential area and the separation distance from 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.

8.0 Recommendation

I recommend that permission is granted to retain the existing hobby and storage shed in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the residential zoning objective pertaining to the site, it is considered that the development proposed to be retained, subject to compliance with the conditions set out below, does not seriously injure the visual or residential amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application as amended by the drawings received by the planning authority on the 26/03/20 and particulars received on the 12/04/21 and the 25/06/21 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 within 3 months of the issue of this decision and the development shall be completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The structure shall be used for the purposes of a hobby and store only and shall be ancillary to the main dwelling and shall not be used for human habitation or any commercial, industrial or other use.</p> <p>Reason: To protect the character and principle use of the site.</p>
3.	<p>(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed: -</p> <ul style="list-style-type: none"> (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component. <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
4.	<p>(a) All electrics and electrical appliances shall be raised at least 500mm above the 1000year critical flood level; details of which shall be submitted</p>

	<p>for the written agreement of the Planning Authority within 3 months of the issue of this decision.</p> <p>(b) All foul drainage access chambers and plant items below the 1,000 year critical flood level shall incorporate sealed covers, to prevent potential ingress of flood water, to the required Irish Water standards and details of which shall be submitted to the written agreement of the Planning Authority within 3 months of the issue of this decision.</p> <p>(c) Given the flood susceptibility of the site, the proposed development shall follow best practice in the management of health and safety for users of the development and the applicant shall submit a flood emergency response plan for the written agreement of the Planning Authority within 3 months of the issue of this decision.</p> <p>(d) The development shall not be used for habitable purposes and shall not be used for “highly vulnerable development” uses as defined by the DOEHLG/OPW publication “The Planning System and Flood Risk Management, Guidelines for Planning Authorities”.</p> <p>Reason: In the interests of public health.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Stephanie Farrington
Senior Planning Inspector

15th of November 2021