



An
Bord
Pleanála

Inspector's Report ABP 311132 -21.

Development	Construction of detached domestic garage/shed including connection to sewage treatment plant previously permitted under P. A. Reg. Refs. 08/983 and 13/675.
Location	Corbaun, Gurtymadden, Co. Galway
Planning Authority	Galway County Council.
P. A. Reg. Ref.	21/945
Applicant	Conor Nolan
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party X Grant
Appellant	Conor Nolan
Date of Site Inspection	15 th September, 2021.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site which is that of a detached house the construction of which was near completion at the time of inspection. It has a stated area of 3,600 square metres and is at a location on the west side of the L3240-14 circa one kilometre south of the N65 (Loughrea – Portumna Route) and to the southwest of Gurty Madden
- 1.2. Immediately to the north is the site of a detached house under construction at the time of inspection. To the north side of this site are some farm buildings and a derelict single storey dwelling. The surrounding area is primarily characterised by relatively flat agricultural lands with indigenous hedgerows and trees. Part of the rear garden area of the subject site comes with in a pluvial flood risk area.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for construction of a slated pitched roof garage/shed which has a stated area of 114 square metres and a height of 6.335 metres (floor level to ridge height). The internal accommodation includes a loft area, bathroom shower and toilet and an internal staircase to the upper level. There is a large entrance door to the front, pedestrian door at the rear and two windows and solar panels.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 23rd July, 2021 the planning authority decided to refuse permission based on the reason reproduced below:

“Based on the details submitted in this application it is considered that the proposed detached domestic garage/shed is of scale and height that is unsubstantiated in the curtilage of an existing dwelling. Having regard to the scale, height and serviced nature of the structure proposed the Planning Authority considers that the development as proposed would not assimilate or integrate effectively into the residential context of the site. Therefore it is considered that the proposed development in its current configuration and

format does not again in accord (stet) with the proper planning and sustainable development of the area. Therefore to permit development of this type in the rural countryside, would set an undesirable precedent for similar type development and to grant the proposed development would militate against the preservation of the rural environment would contravene materially Objective LCM1 contained in the Galway County Development Plan and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. According to the planning officer, there is no objection to domestic garage development but the current proposal at almost double the normally permitted size and which includes upper-level space, and connection to the water and wastewater treatment plant connections is more characteristic of a chalet and residential space than a garage or shed.

4.0 Planning History

Permission was granted for the detached dwelling and domestic shed on the site under P. A. Reg. Refs. 08/983 and sewage treatment plant. Under P. A. Reg. Ref 13/675 the duration of the grant of permission was extended.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Galway County Development Plan, 2015-2021.

- 5.1.1. The location comes within the area of the Galway Transportation Study Area (GTPS) which is under, “strong urban pressure” to which Rural Development Policy Objective RHO 1 applies. The location also comes within an area designated as a Class 1 “rural countryside”.

- 5.1.2. The rural area in which the site is located is under “strong urban influence” according to the *Sustainable Rural Housing: Guidelines for Planning Authorities* issued by the Department of the Environment, Heritage and Local Government in 2005.
- 5.1.3. The location comes within an area designated as of “Medium” Landscape Visual Rating and Moderate within the Landscape Sensitivity and Character Areas.
- 5.1.4. According to Policy LCM1 in Section 9.11 it is the policy of the planning authority to preserve and enhance the character of the landscape including preservation and enhancement where possible of views and prospects and the amenities of places and feature of natural beauty or interest.
- 5.2. According to Objective LCM 1 in Section 9.11 the planning authority shall have regard to the landscape sensitivity classification in consideration of significant development proposals and where necessary require landscape visual impact assessment. The landscape sensitivity is balanced against the need to develop key strategic infrastructure to meet strategic aims.

6.0 The Appeal

6.1 Grounds of Appeal

An appeal was lodged on behalf of the applicant on 16th August 2021.

- The proposed garage/shed is intended to facilitate the dwelling house within its curtilage. It is entirely incidental to the reasonable enjoyment and use and reasonable enjoyment. The planning officer has made assumptions about the *bona fide* of the application in implying that the development is different to that which is proposed in the application in describing it as a chalet and suggesting that it is to be redeveloped as a separate residential unit.
- The reasoning for refusal is unclear and the statement as to scale and height for example are unsubstantiated. Individuals have different requirements for storage will depend on their needs and interests.
- There is a need for storage space for hobbies, namely domestic woodwork, privately owned vehicle and boat storage including their maintenance and servicing and associated equipment along with storage for the family

occupying the dwelling. The existing four-bedroom house has limited storage space or workspace for woodwork.

- The layout of the shed structure is unsuitable for use as a separate residential unit. The upper level which lacks windows is suitable only storage and not for a bedroom. It is reasonable for a hobbyist who maintains his garden to have access to an external toilet and shower and a place to shower his dogs. Residential use would be subject to enforcement. It is reasonable for there to be access to sanitary services and the connection to the treatment plant would not increase the loading on it.
- The structure will be subservient to the house and to other dwellings being setback from the house's building line and height at 6.3 metres to the ridge (which is similar to that of a single storey house) which allows for the applicant's required headroom of 3150 mm and selection of materials
- The development would not affect amenities at the existing house or adjoining properties as it is not overbearing does not give rise to overlooking and, due to setbacks from boundaries. It is not prominent or discordant as a feature in the agricultural landscape. There are substantial agricultural buildings in the surrounding environment and photographs of example are included in the submission. It is not the intention of the CDP having regard to objective LCM-1 landscape sensitivity classifications and objectives, to prohibit rural development on grounds of landscape sensitivity. It was inappropriate for the planning officer to refer to Policy Objective LCM- 1 with regard to the site location which is not of a high landscape sensitivity rating. The landscape in Gurty Madden is classified, (being on the north of the Loughrea-Portumna Road in the CDP) as of low sensitivity and value with the site, just south of the road being of medium value and medium sensitivity.
- There is no policy which precludes a grant of permission and the decision to refuse permission is unreasonable.
- As regards the references in the reasoning as to undesirable precedent every rural house has occupants with legitimate varying needs and interests.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. It is considered that the intent behind Policy LCM 1 and Objective LCM1 having regard to the terminology in the CDP is directed primarily towards consideration of possible proposals for large, scale developments having regard to landscape sensitivity and capacity to accept development. As such the direct reference to this “LCM” policy and objective within the Reason for Refusal of Permission is somewhat questionable and to this end the remarks in the appeal are not unreasonable.
- 7.2. However, within rural areas not zoned for development to be retained substantively free of development residential development is only open to consideration if rigid qualifying criteria is satisfied. Clearly, where such residential development is permitted, the addition of development which is unrelated to agricultural or relative rural land use or use ancillary to residential use of the main dwelling is precluded from consideration. Furthermore, the addition of a structure such as that proposed on the site of a residential dwelling so permitted can contribute to erosion of rural landscape character.
- 7.3. There is no dispute that individuals are likely to have varying interests and needs having regard to storage space requirements as indicated in the appeal. Notwithstanding the range and nature of purposes for which the applicant intends for the proposed structure’s use as described in the appeal, the proposed structure in scale, height, design and internal layout and facilities clearly is appropriate for significant commercial or light industrial use or alternatively, for adaption for use as an independent dwelling unit. As such the proposed development would not be consistent with storage and ancillary use associated with the residential use of a main dwelling. It would amount to a major additional development which is urban and commercial on the site both by reason of structure itself and potential extent and range of purposes for which it is suitable for use. Residential development by itself in the subject rural areas not zoned or intended for development other than that which is related to the rural economy and agriculture does alter the landscape

character notwithstanding the landscape sensitivity in the surrounding area being classified as (moderate/low) and its capacity to accept development.

7.4. Environmental Impact Assessment Screening.

- 7.4.1. Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.5. Appropriate Assessment Screening.

- 7.5.1. Having regard to the small-scale nature of the proposed development and, to the location removed from any European sites, no Appropriate Assessment issues proposed development would not 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. In view of the foregoing, it is agreed with the planning officer that permission should be refused. Draft Reasons and Considerations follow.

9.0 Reasons and Considerations

Having regard to: -

- the location in a rural area of the site of the existing dwelling and the proposed development, which is not zoned for development, and in which residential development is confined to individuals who satisfy restricted criteria associated with connection to the locality and the rural economy and,
- the scale, height, design and internal layout and facilities of the proposed structure which is appropriate to significant commercial or light industrial use or alternatively, for adaption for use as an independent dwelling unit,

it is considered that the proposed development is incompatible with storage and ancillary uses associated with the residential use of a main dwelling and would not be consistent with the protection preservation of the character and nature of uses of

rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector
20th December, 2021.