



An
Bord
Pleanála

Inspector's Report ABP 311205-21

Development	Retain store
Location	Barrakilla, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	21/628
Applicant(s)	Ray & Clodagh Hanafin
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refusal
Appellants	Ray & Clodagh Hanafin
Observer(s)	None
Date of Site Inspection	20/10/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 0.242 hectares is in the townland of Barrakilla accessed from a local road c. 5km to the north-east of Tralee. The area is characterised by one off housing and agricultural land. The site slopes down from the road in a northerly direction towards the rear of the site with a stream along the said northern boundary.

The shed to be retained is erected to the rear of a dormer dwelling and c.1 metre from the eastern site boundary. A wall and fence delineates the said boundary. The lands to the east are undeveloped. A two storey dwelling bounds the site to the west with the boundary delineated by a timber fence backed with planting. The rear boundary is delineated a wall

2.0 Proposed Development

Permission is sought to retain the shed with a stated area of 175 sq.m. It has a height of 4.8 metres and is finished in grey metal sheeting.

The shed is used for storage of the applicant's hobby car collection, work equipment, storage ancillary to the dwelling and a home office.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development for two reasons which can be summarised as follows:

1. The shed by reason of its bulk, scale and height would constitute an incongruous warehouse type feature, would seriously injure the visual amenities of the area and would be contrary to objective ZL-1 of the County Development Plan.
2. The proposal would materially contravene condition 5 attached to permission ref. 07/3462.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Executive Planner's report (countersigned) notes:

- Condition 5 attached to the permission for the dwelling on the site under ref. 07/3463 required that no garage or other exempted structure be erected within 4.5 metres from the centre of the divisional boundary or adjoining property. The shed to be retained is less than 1 metres from the eastern site boundary.
- The shed has a significant negative visual impact due to its scale and commercial/industrial warehouse type design.
- It has a negative impact on the residential amenity of the area.
- Sightlines should not be a concern if the shed is not used for commercial activity.

A refusal of permission for two reasons recommended.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

21/94 – permission refused for retention of the shed for 4 reasons. 3 of the reasons are the same as cited in the current appeal case. The 4th cites the absence of a road safety audit and potential for traffic hazard due to substandard access/egress point.

19/688 – permission refused for the retention of the shed and retain change of use of private driveway and carparking to sales area. The 3 no reasons cited the absence

of a road safety audit, nature and business hours having a negative impact on amenities and values of adjoining property, contravention of plan objective ES-28 and ES-34 (economic development in rural areas and home working) and visual impact.

07/3463 – permission granted for a dwelling on the site. Condition 5 restricted any garage or other exempted structure being constructed within 4.5 metres from any boundary.

5.0 Policy Context

5.1. Development Plan

Kerry County Development Plan 2015

The site is within an area zoned Rural General. These constitute the least sensitive landscapes throughout the County and from a visual impact point of view have the ability to absorb a moderate amount of development without significantly altering their character.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Ger O’Keeffe Consulting Engineers Ltd. (accompanied by supporting plans and photographs) on behalf of the applicants can be summarised as follows:

- The road level at the site entrance is 77.4mOD. The ground level at the lower end of the site where the store is located is 73.10mOD. The ridge height of the store is 77.9mOD. The height of the building is 4.8 metres. It is built on the lowest level of the site.

- The ridge level of the store when viewed from the road is 500mm above the road and is approx. 2.2 metres below the ridge of the existing dwelling. The store is not obtrusive on the skyline
- The nearest dwelling to the east is 100 metres away with mature trees in between providing screening.
- The dwelling to the west is a considerable distance from the building.
- As part of the application the applicant proposes to landscape the garden area to minimise the visual impact of the store.
- The site is within an area zoned rural general. The development plan notes that such areas have a higher capacity to absorb development than other rural designations.
- The store is not for commercial use. The floor area is necessary for the storage requirements associated with the dwelling and the applicant's collection of hobby cars with the option for provision of a home office.

6.2. Planning Authority Response

None

6.3. Observations

None

7.0 Assessment

The application is seeking retention of a shed for storage purposes associated with the applicant's hobby car collection in addition to storage for domestic purposes ancillary to the dwelling on the site. It is stated that the shed is not for commercial use. Whilst I note the planning history under file refs. 21/94 and 19/688 and the previous intention to use the shed for a garage associated with a car sales operation which was refused permission, the nature and extent of the development as described in the public notices and given on the plans accompanying the application is before the Board for adjudication only. A condition precluding its use for

commercial purposes would be appropriate should the Board be disposed to a favourable decision.

Whilst large with a stated floor area of 175 sq.m., there is no impediment in terms of size to which such a structure for storage purposes can be provided subject to the normal planning and environmental considerations being satisfied. I submit that the central concern is the adequacy of the site to accommodate the shed and its impact on amenities of adjoining property and the character of the area.

The site is accessed via a local road characterised by one off housing and, whilst having an innate rural quality is not considered to be of significant visual merit. The site is within an area designated as being rural general in the current County Development Plan. This is considered to be the least sensitive landscape which, from a visual impact point of view, has the ability to absorb a moderate amount of development without significantly altering its character.

The site slopes down from the road from a level of 77.4mOD as measured at the site entrance. The shed is at the lowest point of the site at 73.10mOD. It has a ridge height of 4.8 metres (77.9mOD) and is therefore only 0.5 metres above the road level. Its ridge height is lower than the associated dormer dwelling. As noted on day of inspection the shed is largely screened from view travelling along the local road save when viewed at the site entrance. Existing vegetation and trees on the lands immediately to the east screen the shed from the nearest dwelling to the east (c. 100 metres distant). A dwelling bounds the site to the west which has the benefit of mature planting along the shared boundary which currently limits views. In support of the appeal the applicant has submitted a landscaping proposal for the north-western area of the rear garden area. I consider that the shed, which is well maintained, would not unduly detract from the amenities of the said adjoining property subject to the carrying out of the said landscaping.

On this basis I consider that the shed can be satisfactorily accommodated on the site without adverse impacts on the visual amenities or character of the area or on the residential amenities of property in the vicinity.

Condition 5 attached to the permission granted for the dwelling on the site (planning ref. 07/3483) required that no garage or other exempted structure be erected within 4.5 metres from the centre of the divisional boundary or adjoining property. By

reason of the fact that permission is required for the shed as sized and is not exempted development I consider that the provisions of the condition can be reviewed in the context of the development as proposed. The shed to be retained is less than 1 metre from the eastern site boundary. The lands to the east are undeveloped with mature vegetation providing for screening. I have no objection to the setback to be retained.

Appropriate Assessment – Screening

Having regard to the nature and scale of the proposed development and distance from the nearest European Site it is concluded no appropriate assessment issues arise as the 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

Having regard to the foregoing I recommend that retention permission for the above described development be granted for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the nature and extent of the store to be retained, its location within the site and to the pattern of development in the area, it is considered that the development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanala on the 25th day of August, 2021, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The structure hereby permitted to be retained shall be used as a private domestic garage/store solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for human habitation, commercial, trade or industrial purposes.

Reason: To restrict the use of the garage/store structures in the interest of residential amenity.

3. The landscaping scheme as shown on the plan submitted to An Bord Pleanala on the 25th day of August, 2021 shall be carried out within the first planting season following the date of this order.

Reason: In the interest of residential and visual amenity

Pauline Fitzpatrick
Senior Planning Inspector

November, 2021