



An
Bord
Pleanála

Inspector's Report

ABP-312459-22

Development	The development consists of a mono pitched steel shed structure (10sqm) and fencing located on a green space area
Location	Village Grove, Kilbreck, Stamullen, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	212014
Applicant(s)	Kilbreck/Glasheen Residents Association
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Kilbreck/Glasheen Residents Association
Observer(s)	(1) Sebastian Kosnik & Agnieszka Szyszko (2) Alan Tobin

Date of Site Inspection

21st May 2022

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has stated area of 0.07 hectares, is located in an existing housing development, Kilbreck in Stamullen. The housing development is made up of two-storey semi-detached dwellings. The appeal site is located within a cul-de-sac called Village Grove and consists of a small green area at the end of the cul-de-sac and adjacent a turning area. The site is occupied by a small mono-pitch steel shed with a wooden fence around the site perimeter.

2.0 Proposed Development

2.1. Permission is sought for retention of a mono pitched steel shed structure (10sqm) and fencing located on a green space. The shed has a ridge height of 2.3m.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reasons...

1. It is the objective DM OBJ 26 of the Meath County Development Plan 2021-2027 that public open space shall be provided for residential development at a minimum rate of 15% of total site area. The retention development will reduce the current open space provided on site under Planning reference 991293 and contravene condition 16 of the Planning reference 991293. Therefore, the retention development, if permitted, would materially contravene objective DM OBJ 26 and contravention condition 16 of planning reference 991293, seriously injure the amenities and depreciate the value of properties in the vicinity, would establish and undesirable precedent for developments of this kind and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (03/12/21): Issues of concern regarding loss of open space and contravention of objective DM OBJ 26 relating to open space provision and condition

no. 16 of the parent permission. Refusal was recommended based on the reason outlined above.

3.2.2. Other Technical Reports

Water Services (11/1121): No objection subject to condition.

Irish Water (12/11/21): No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. A submission was received from Sebastian Kosnik & Agnieszka Szyszko, 15 Village Grove, Stamullen, Co. Meath.

- The issues raised include visual impact, location in front of dwelling, loss of green space and tree, health and safety concerns regarding fuel storage.

4.0 Planning History

99/1293: Permission granted for revision to site layout and public open space area & omission of crèche unit on existing application ref no. 99/1293. Accommodation consists of 142 no. two-storey houses.

5.0 Policy Context

5.1. Development Plan

The relevant Development plan is the Meath County development Plan 2021-2027. The appeal site is zoned A1 Existing residential with a stated objective “to protect and enhance the amenity and character of existing residential communities”.

DM OBJ 26: Public open space shall be provided for residential development at a minimum rate of 15% of total site area. In all cases lands zoned F1 Open Space, G1 Community Infrastructure and H1 High Amenity cannot be included as part of the 15%. Each residential development proposal shall be accompanied by a statement setting out how the scheme complies with this requirement.

DM OBJ 27: Standalone residential developments comprising of 9 residential units or less shall be exempt from the requirement to provide 15% open space. In all such cases the private amenity space serving each dwelling shall exceed the minimum requirement.

5.2. Natural Heritage Designations

None within the zone of influence of the project.

5.3. EIA Screening

The proposed development is not of a class (Schedule 5, Part 2(10) of the Planning and Development Regulations, 2001 (as amended)). No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodge by the Kilbreck/Glasheen Residents Association. The grounds of appeal are as follows...

- The site is located in an existing housing development of 320 dwellings that has been taken in charge. The residents association is responsible for the maintenance of all open spaces. The residents committee have purchased equipment to maintain the large amount of open space areas within the housing development and the structure is need to house this equipment.
- The structure is resident led with the majority of residents in support of such and the location of such agreed as the best location for the storage structure.

- The structure is placed on a small area of open space and without such the open space of the estate will no longer be maintained.

6.2. Planning Authority Response

6.2.1 Response by Meath County Council.

- The PA refer to their planning report.

6.3. Observations

6.3.1 Observation by Alan Tobin, 9 Westview, Ashbourne, Co., Meath.

- The scale of the structure is modest and the level of open space lost would not diminish the level of existing open space below 15%. The PA has not demonstrated that the level of open space lost would be contrary DM OBJ 26.
- The structure is necessary to store equipment for maintain open space.
- The proposal would not be contrary condition 16 as the purpose of the structure is maintenance of the open space.

6.3.2 Observation by Sebastian Kosnik & Agnieszka Szyszko, 15 Village Grove, Stamullen, Co. Meath.

- The observations is in support of the decision to refuse with the observers' dwelling located to the south east of the site and faces towards the structure for retention.
- The structure was constructed without permission on an area of green space with loss of an existing tree. The structure is in close proximity to the observers' property and the loss of the greenspace and unsightly nature of the structure is detrimental to their residential amenity and outlook.
- The structure impacts privacy due to refuelling occurring outside the shed and in view of the observers' property. The structure has cause devaluation of property.

7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Development Plan policy/material contravention issues

Physical impact/adjoining amenity

7.2. Development plan policy:

7.2.1 The proposal was refused on the basis it is a material contravention of Objective DM OBJ 26 regarding open space provision and condition no. 16 of the parent permission ref no. 99/1293. The proposal is for retention of a storage shed with a wooden fence around it and gated access. The shed was placed on a small area of open space adjacent a cul-de-sac/turning circle and the purpose of such is the storage of equipment used to maintain the open space areas in the overall housing development.

7.2.2 The appeal site is zoned A1 Existing Residential with a stated objective “to protect and enhance the amenity and character of existing residential communities”. The proposal is a storage structure for equipment used to maintain open space areas with the existing housing development. I would be of the view that the structure is an ancillary structure for residential use and is consistent with the zoning objective at this location.

7.2.3 The decision to refuse refers to material contravention of DM OBJ 26, which is the requirement that public open space shall be provided for residential development at a minimum rate of 15% of total site area. The refusal reason would appear to suggest that the proposal would take the level of open space below the level of 15% of the overall housing development. Having inspected the history file for ref no. 99/1293 the proposal relates to the provision of 142 dwellings with a density of 22 dwellings per hectare. The drawings relating to this application show that the level of open space provision 22.73% of the site area in relation ref no. 99/1293. The appeal site has an area of 0.007 hectares and subtraction of this level from the approved

open space provision would not reduce such below 15%. The PA did not provide a calculation or basis for this conclusion and based on the planning history, the proposal would not reduce existing/approved open space provision by the amount claimed in the refusal reason. The proposal would neither be contrary the zoning objective of the site and would not constitute a material contravention of Development Plan policy, specifically DM OBJ 26.

7.2.4 The refusal reason also refers to material contravention of condition no. 16 of ref no. 99/1293. Condition no. 16 (see planning history pouch) requires the preparation and submission of a landscaping scheme with details of the type and number of trees and shrubs to be planted, the timescale for planting and a requirement that planting be carried out in the first planting season. I would be of the view that the proposal does not contravene the terms of condition 16.

7.2.5 The proposed structure is an ancillary structure for the purposes of storage equipment used by the local community/residents of the housing scheme for the purposes of maintenance of the existing open space areas. The proposal is consistent with development land use objectives and would not be contrary any specific objectives of the County Development Plan or any conditions attached to the parent permission under ref no. 99/1293.

7.3 Physical Impact/Adjoining Amenity:

7.3.1 This issue was not a reason for refusal, however there is an observation from the owners of no. 15 Village Grove, which faces towards the structure in question raising concern regard the physical and visual impact of the proposal. In terms of overall visual impact, the structure in question is very modest in scale and is screened by a wooden fence that is similar in scale and type to existing boundary fences in the immediate vicinity. I would be of the view that the overall structure is of a scale and design that would have no significant or detrimental visual impact in the area and in relation adjoining properties.

7.3.2 I would acknowledge that the structure in question has changed the outlook from the observers' property in that there was a small area of open space with a tree and the new structure moves the wooden fence closer to the front of the observers' property. I would however consider that the change of outlook is not of a level that is unacceptable or inappropriate in a suburban residential development such as this and that the overall scale of the structure in question is of an acceptable scale to maintain an appropriate level of residential amenity.

7.3.3 I would acknowledge that the use of the structure is likely to result in increased activity in the area to front of the appellants property, I would however consider that such is unlikely to be of a level that would have an unduly onerous impact on the observers' residential amenity with an adequate degree of separation in the form of existing service road turning area between the front of the observers property and the structure in question.

8.0 Appropriate Assessment:

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the modest scale of the storage structure, the nature of use and boundary treatment, the proposed development would not have a significant or prominent visual impact in the surrounding area or have a significant impact on the amenities of any residential property in the vicinity. The proposed development would be consistent with the zoning objective/development plan objectives of the

Meath County Development Plan 2021-2027. The proposed development would, therefore, be satisfactory in the context of the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The storage structure shall be used for the purposes of storing equipment for the maintenance of the open space areas within the existing housing development only.

Reason: In the interest of clarity.

Colin McBride
Senior Planning Inspector

23rd May 2022