



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312879-22

---

<b>Development</b>	Retention for domestic garage.
<b>Location</b>	20 Lisaniska, Drumcliff Road, Ennis, Co Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	211267
<b>Applicant(s)</b>	
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Robert McDonagh
<b>Date of Site Inspection</b>	24 <sup>th</sup> March 2022
<b>Inspector</b>	Liam Bowe

## **1.0 Site Location and Description**

1.1. The 0.0098 hectares appeal site is located at the southern end of a residential development known as Lissaniska off Drumcliff Road in the western part of Ennis, Co. Clare. Lissaniska is a residential development of two-storey, semi-detached and terraced houses. The site comprises an existing two-storey, semi-detached house that addresses the street. The house on the site is adjoined by No.19 Lissaniska and also runs westerly along the southern rear boundaries of the private rear agrdens of No.'s 12, 13 and !4 Lissaniska. The private open space associated with the dwelling is located to the western part of the site and is enclosed by a block wall on the southern, northern and western boundaries. These boundary walls vary in height between 1.75 metres and 2.7 metres. There are two domestic garages in the rear garden of the site, one of which is the subject of this appeal.

## **2.0 Proposed Development**

- 2.1. The development comprises the retention of a single storey domestic garage to the rear of the house. The garage is proposed to accommodate the appellant's classic cars. The garage is sited to the rear / west of the rear garden but also abuts the northern boundary of the site. The garage has a standard pitched roof, and the finishes are metal cladding on all parts of the walls and roof.
- 2.2. The garage has a floor area of 48m<sup>2</sup> and a maximum height of 3.65 metres. The floor area of the adjacent domestic garage on the appeal site is 18m<sup>2</sup> and this also has a maximum height of 3.65 metres.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 31<sup>st</sup> January 2022 Clare County Council issued a notification of decision to Refuse Permission for the retention of the development due to it being out of keeping with the existing development of the area and because it would detract from the residential amenities of adjacent dwellings by reason of

overshadowing and overbearing effects and would contravene the land use zoning objective.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

The report of the Planning Officer outlines the relevant land use zoning, notes the planning history and third party submission, and raises concerns about the size of the garage in combination with the permitted garage on the site, and about the impact on the residential amenities of adjoining properties. The Planning Officer recommended refusal of permission consistent with the notification of decision which issued.

Appropriate Assessment Screening was carried out and concluded that there was no likely potential for significant effects to any Natura 2000 site.

#### **3.2.2. Other Technical Reports**

None

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

A submission on the proposal was received from Seamus and Loretta McNamara, No.12 Lissaniska, Lahinch Road, Ennis, Co. Clare. The issues raised in the submission include a loss of light to their south facing back garden with diminished enjoyment from their garden, the shed is out of character with this residential area, devaluation to their property, health and safety concerns, may be used as a workshop for repairing / painting cars, and concerned about excess water waterlogging their garden.

## 4.0 Planning History

**P.A. Ref. No. 20/66** – Permission granted for the retention of a shed to the rear of the house.

**P.A. Ref. No. UD21/079** – Warning letter issued to the First Party regarding the domestic garage.

## 5.0 Policy Context

### 5.1. Clare County Development Plan 2017-2023

The site is located within an area zoned 'Existing Residential' where it is the stated objective 'To conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and uses that enhance existing residential communities. Existing residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained.'

5.1.1. Objective CDP19.3 requires that development proposals comply with the zoning of the subject site in the settlement plans and local area plans.

### 5.2. Natural Heritage Designations

The site is not located within any European site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) which lies approximately 90m to the east and 80m to the south of the appeal site.

### 5.3. EIA Screening

The domestic garage to the rear of an existing residential dwelling is not a class of development for which EIA is required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal are submitted by Des Glynn (Surveyor), 1 The Punchbowl, Ennis Road, Gort, Co. Galway on behalf of the First Party, Robert McDonagh. The main points made can be summarised as follows:

- Contends that the planning officer in Clare County Council did not acknowledge that the First Party owns classic cars. Copies of log books for two cars are included with the appeal and it is stated these cars are currently being stored in the shed for retention.
- Contends that loss of light to neighbouring gardens is not an issue as these gardens are long and any shading that occurs is minor.
- States that there is no nuisance or noise generated from the development and the shed extends very little over the 1.8m high rear boundary fences.

### **6.2. Planning Authority Response**

The Planning Authority has not responded to the grounds of the appeal.

## 7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of development
- Impact on adjacent residential amenity
- Appropriate Assessment

### 7.1. Principle of development

7.1.1. The development seeks to retain a domestic garage / store (48m<sup>2</sup>) on the appeal site. Previously, a smaller domestic garage (18m<sup>2</sup>) was granted permission for retention on the site. The cumulative area of these garages is 66m<sup>2</sup>. I note that the Clare County Development Plan is silent on limiting the size of domestic garages. The First Party has submitted Vehicle Registration Certificates for two vintage cars in his ownership and he states that these are presently being stored in the domestic garage for retention. The subject structure appears as a standard domestic garage with metal cladding finishes. Such structures are not uncommon in urban areas. I am satisfied that the subject garage is acceptable in principle. Should the Board decide to grant permission, such a condition can be attached limiting the use for purposes incidental to the enjoyment of the dwelling house such as the storage of the owner's classic cars.

### 7.2. Impact on adjacent residential amenity

7.2.1. I note the reason for refusal issued on the notification of decision by Clare County Council stating that the development contravenes the land use zoning objective of the area, would be out of character by means of the design of the garage, and would have a negative impact on the residential amenities of the area due to overshadowing and its overbearing nature.

7.2.2. On the day of my site inspection, I noted that the domestic garage is not visible from any public views. There is a large rear garden associated with the house and 184m<sup>2</sup> of private open space remains available for use by the occupants of the house. Parts of the pitched roof, which is black in colour, would be visible from the rear gardens of

a number of adjoining properties. Consequently, I consider that the garage does not have a significant impact on the the character of this residential area.

7.2.3. In relation to overshadowing, the First Party contends that the loss of light to neighbouring gardens is not an issue as these gardens are long and any shading that occurs is minor. The northern boundary of the appeal site is a 1.75m high block wall and the northern side wall of the domestic garage is 2.42m in height. The roof on the garage has a pitch of 20<sup>0</sup> and it rises to a maximum height of 3.65 metres. It also appears that there are domestic stores on the northern side of the party wall within the rear gardens of No.'s 12 and 13 Lissanika. Consequently, I consider that the garage for retention does not result in a significant loss of sunlight to the rear gardens of the adjoining properties. I note the guidance outlined in BRE 8206<sup>1</sup> which recommends that at least half of the amenity space should receive at least two hours of sunlight on 21<sup>st</sup> March. I consider that, given the extent and aspect of the rear gardens to the north of the appeal site, and the modest height of the domestic garage, that there is limited potential for significant loss of sunlight / daylight to occur to these properties for the development and I consider that the private open space associated with these houses will receive well in excess of this two hours sunlight guideline.

7.2.4. The impact of the development on the residential amenity of the properties to the north is the central issue in this appeal. The domestic garage is a simple single storey structure to the rear of the house. The domestic garage is approximately 8 metres in length along its northern elevation and this will run parallel with the rear boundary wall of No.12 Lissaniska as well as partly along the rear boundary wall of No.13. However, the height of the domestic garage is below exempted development standards and I consider that, even though it runs along the entire length of the shared boundary with No.12, as a result of its modest height, it will not have a significant overbearing effect on the visual amenities of these properties.

7.2.5. In conclusion, I consider the domestic garage integrates with the existing dwelling in terms of height and scale. The proposed materials to be used and finishes are contemporary in nature in the form of metal cladding but are not visible from any public views. Overall, the design and scale of the structure for which retention is

---

<sup>1</sup> Section 3.3.7, P.18, Site Layout Planning for Daylight and Sunlight, 2<sup>nd</sup> Edition

sought is such as to not impact significantly on the visual or residential amenity of the area.

### 7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the development proposed for retention and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and the absence of any direct or indirect pathway between the appeal site and 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 for retention should be granted based on the following reasons and considerations and subject to the attached conditions.

### 9.0 **Reasons and Considerations**

Having regard to the design, character and layout of the development, it is considered that the retention of the development would not adversely impact on the residential amenities of adjoining properties, would be consistent with the provisions of the Clare County Development Plan, and would otherwise be in accordance with the proper planning and sustainable development of the area.

### 10.0 **Conditions**

1.	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
----	---



	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The domestic garage shall be solely for purposes incidental to the enjoyment of the dwelling house and shall not be used for other type of residential use, industrial, business and/or commercial purposes.</p> <p><b>Reason:</b> In the interest of residential amenity and in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent pollution.</p>

---

Liam Bowe  
Planning Inspector

25<sup>th</sup> April 2022