



An
Bord
Pleanála

Inspector's Report

ABP-313170-22

Development	Permission for retention and completion of a partially constructed domestic garage with associated site works
Location	24 Roney Bay, Askingarran, Ardmine, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220052
Applicant(s)	Denis Sheehan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Roland & Mary Ling
Observer(s)	None
Date of Site Inspection	1 st September 2022
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.13ha is located within an established gated holiday development in Roney Point c3.5km north of Ballygarett Village. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for the retention and completion of a partially constructed domestic garage (35sqm) with associated site works to the rear of No 24 Roney Bay.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wexford County Council issued a notification of decision to grant permission subject to 5 no generally standard conditions summarised as follows:

1.	Retained and completed in accordance with plans and particulars submitted
2.	Development Contribution
3.	Development Contribution
4.	Surface water
5.	Garage shall not be used for human habitation

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Case Planner having considered the scheme recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Wexford County Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Roads** – Recommended a grant of permission subject to conditions outlined in their report relating to maintenance of sightlines, surface water and drainage.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

- 3.4.1. There is one observation recorded on the appeal file from Dr Roland Ling and Mrs Mary Harvey Ling, No 23 Roney Bay. The issues raised relate to vehicles passing the observers sitting room window to access the garage leading to loss of privacy and enjoyment and noise pollution. A further concern is raised in relation to loss of sunlight.

4.0 Planning History

- 4.1. There is no evidence of any appeal at this location. The following local authority planning history has been made available with the appeal file:

Reg Ref 980339 – Wexford County Council granted planning permission in 1998 to Dalebrook Properties Limited for the development of 26 no single storey 3 and 4 bedroom dwellings at Askingarran Lower, Courtown, Wexford subject to 26 standard conditions.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Wexford County Development Plan (2022-2028)**.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

- 6.1.1. The third-party appeal has been prepared and submitted by the Dr Roland Ling and Mrs Mary Harvey Ling, No 23 Roney Bay and may be summarised as follows:

- The domestic garage is to the rear of both the applicants and the appellants houses. The new owner of No 24 has advised the appellant that the height of the new garage will obstruct the sunlight to a portion of the appellant's rear garden. The appellants rights in this regard are queried.
- Concern is raised with regard to access to the domestic garage.
- The windows of the sitting room of No 23 Roney Bay (appellant) look onto the gable wall of No 24 Roney Bay (applicant) which is the access area to the garage. This access disrupts the privacy, security and aesthetics of the appellants sitting room.
- Site photos enclosed.

6.2. Applicant Response

- 6.2.1. The first party response to the appeal has been prepared and submitted by the applicant's agent Ian Tompkins and may be summarised as follows:

- **Sunlight** – The proposed new domestic garage is over 2m away from the boundary fence of No 23 Roney Bay (appellant) and any disruption of sunlight into the neighbouring garden would be minimal and only at late evening. The proposed ridge height exceeds permitted development height by 150mm.
- **Access** – The proposed new permeable driveway leading to this existing gateway will be fully within the applicant's property boundary line and is a case of refinishing the existing grass landscape with a more suitable material, such as gravel.

- **Examples** – Reference is made to other properties within Roney Bay that also have either rear garages and / or egress routes around their properties as follows:
No 26 Roney Bay, No 13 Roney Bay and No 9 Roney Bay

6.3. **Planning Authority Response**

- 6.3.1. No further comment. The Board is referred to the Case Planner report.

6.4. **Observations**

- 6.4.1. None

6.5. **Further Responses**

- 6.5.1. None

7.0 **Assessment**

- 7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Sunlight
- Access
- Other Issues
- Appropriate Assessment

7.2. **Principle**

- 7.2.1. Permission is sought for the retention and completion of a domestic garage to the rear of an existing dwelling house at No 24 Roney Bay. The proposed garage has a floor area of 35sqm and a ridge height of 4.15m and is set back 2m from the boundary with the No 23 Roney Bay (appellants property) to the east. While I note the concerns raised by the appellant, to be discussed further below, it remains that a garage of the

scale proposed and located to the rear of an established residential property that is set back from the adjoining boundary is considered an acceptable form of development in principle.

- 7.2.2. However, it is recommended that should the Board be minded to grant permission that a condition be attached requiring that the garage not be used for human habitation in the interest of residential amenity.

7.3. Sunlight

- 7.3.1. I note the concerns raised that the proposed domestic garage will obstruct the sunlight to a portion of the appellant's rear garden.
- 7.3.2. The proposed domestic garage is located to the rear garden of the parent house and at its closest point, is c2m from the boundary fence of the appellants property at No 23 Roney Bay. Having regard to the scale and positioning of the proposed garage any loss of sunlight would be minimal and only late in the evening. Given the residential nature of the area together with the proposed scale and location of the garage I do not consider that a significant loss of sunlight would occur that would negatively impact on the residential amenities of the appellants property to such an extent that would merit a refusal of permission in this instance.

7.4. Access

- 7.4.1. Concern is raised with regard to access to the domestic garage between the applicant's property (No 24) and the appellants property (No 23) and that this would disrupts the privacy, security and aesthetics of the appellants sitting room. I refer to the photos attached to this report and taken on day of site inspection.
- 7.4.2. It is evident from the plans and particulars submitted that the applicant is proposing to provide a new driveway between both properties along the eastern boundary of the appeal site together with a new backyard area. Having regard to the location and domestic nature of the proposed garage it is not unreasonable that vehicular access would be required and provided to same. While both houses are in close proximity to each other I do not consider that the provision of a gravelled access to the proposed garage would negatively impact on the privacy of the appellants property to such an extent that would merit a refusal of permission in this instance.

- 7.4.3. It is however recommended that should the Board be minded to grant permission that a condition be attached that the new vehicular access to the garage between both properties would comprise a gravel finish only with details to be agreed and that no vehicular parking is permitted to the side or rear of the property save for parking within the garage itself.

7.5. Other Issues

- 7.5.1. **Development Contributions** – I refer to the Wexford County Council Development Contribution Scheme 2018 where it states that *no exemptions shall apply to any applications for retention of development*. The development is not therefore exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.5.2. Appropriate Assessment

- 7.5.3. Having regard to the nature and scale of the development and its distance 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.

8.0 Recommendation

- 8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the Wexford County Development Plan (2022-2028), it is considered that, subject to compliance with the conditions set out below, the proposed development, would not adversely affect the visual or residential amenities of

properties 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 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 shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a) The detached garage shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for commercial purposes or human habitation, sublet, sold separately, otherwise transferred or conveyed, except in combination with the dwelling. The finishing to and the external appearance of the garage shall match the dwelling house</p> <p>b) Vehicular access to the garage shall comprise a gravel finish only with details to be agreed in writing with the Local authority.</p> <p>c) No vehicular parking is permitted to the side or rear of the property save for parking within the garage itself.</p> <p>Reason: In the interest of clarity, the residential amenities of the area and the proper planning and sustainable development of the area.</p>
3.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of orderly development and public health</p>

4.	<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 prior to the commencement of development or 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Mary Crowley

Senior Planning Inspector

2nd September 2022