



An
Bord
Pleanála

Inspector's Report ABP-313194-22

Development	Retention of Domestic shed 11.2m x 6.1m (68.32 Sq.m).
Location	Knockahaw, Dublin Road, Longford, N39H9W7.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	227
Applicant	Caroline Kelly
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party
Appellant	Caroline Kelly
Date of Site Inspection	1 st September 2022
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Knockahaw, Dublin Road, Longford at the eastern end of Longford town.
- 1.1.2. The site is given as 0.147ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the retention of a domestic shed 11.2m x 6.1m (68.32 Sq.m), x 4.75m in height. Profiled metal sheeting forms the walls and roof, above a concrete floor. There are two doors: a wide roller door facing south-east towards the house, and a pedestrian door facing the road.
- 2.1.2. It is located at the north-west corner of the walled site to the rear and side of the existing dwelling, parallel to the north-west boundary, with its long axis parallel to the road.
- 2.1.3. The application is accompanied by a letter which states that it arises from the service of an enforcement notice and is without prejudice to the applicant's contention that the shed is exempted development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority (PA) decided to refuse permission for one reason:

The Planning Authority are not satisfied that the proposed development, due to the limited size of the site and the location on the sewage treatment system for the dwelling that the structure for retention would not give rise to a risk to public health and as such, the proposed development, if permitted, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

This area is located on the urban fringe of Longford town and there is a considerable number of one-off type dwellings in the immediate vicinity of the site, all of which are served by individual access points on the adjoining public roadway and with individual septic tank systems.

The applicant has indicated an existing on-site treatment system. The structure for retention is located on the area identified in the previous planning application as the percolation area. A copy of a drawing from the previously permitted development is included in the report.

At 0.14ha, the site size is below the standard size for a dwelling with on-site treatment system, in addition the shed for retention is indicated as being built on the original location of the septic tank and treatment system. Given the already limited size of the site and the location of the shed on the percolation area the Planning Authority has serious concerns as to the sites capacity to cater for its own waste and further limiting the possible percolation space is unwise.

The site plan submitted with the current application differs from that permitted under PL06/15 in relation to the location of the treatment system and percolation area.

Recommending refusal, which issued.

3.2.2. Other Technical Reports

Area Engineer – 16th February 2022 – no objection.

4.0 Planning History

10-700035 – planning permission refused for construction of a detached garage/fuel store for domestic use only and attached ancillary site works.

06/700015 planning permission granted for retention and completion of a dwelling, boundaries, walls/fences, entrance, proprietary wastewater treatment system with percolation area, existing infill material and all ancillary site works.

ABP.220130, PA Reg Ref 06/15, retention permission for a dwelling on a stated area of 0.155 hectares, granted. Relevant conditions:

9 The sewage treatment and disposal system shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details shall be agreed with the planning authority prior to commencement of development.

Reason: In the interest of public health.

10 The proposed development shall be connected to the proposed public sewer network as soon as the said network is completed and commissioned.

Reason: In the interest of public health.

ABP.205453, PA Reg Ref 03/53, permission was granted for construction of a dormer type dwellinghouse, septic tank and wastewater treatment unit, connection to existing public watermain, new gate entrance and ancillary site works at Knockahaw, Dublin Road, Longford, on foot of the planning authority's decision to refuse, on a site of 0.178ha. The inspector's report states 'The dwelling is proposed to be set back by approximately 15m from the road, with the proposed septic tank / Bord na Mona "puraflo" treatment system, occupying the northwestern half of the site.' (It was understood that public sewerage was intended to be provided to this part of Longford town).

The Board's decision to grant permission included:

8 The proposed development shall be connected to the proposed public sewer network as soon as said network is completed and commissioned.

Reason: In the interest of public health.

ABP 122788, PA Reg Ref:84/00, (T. Hannifin) permission for a dwelling refused for reasons of threat to public health and the lack of site specific details, on foot of the planning authority's decision to refuse for reasons of prematurity, inappropriate development in an unserviced area, and a lack of information in regard to the site layout.

PLRef:1878, (P. Hannifin) permission refused for a dwelling, reasons for refusal: traffic hazard; undesirable ribbon development; and inappropriate development in an unserviced area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Longford County Development Plan 2021-2027 is the operative plan. Relevant provisions include:

The site is within the boundary shown on the zoning map, but is unzoned. The closest zoning is 'area of constrained land use', which is to the northwest.

Chapter 5 Transport, Infrastructure, Energy & Communications:

CPO 5.119 Facilitate the appropriate management and sustainable use of flood risk areas designated as 'Constrained Land Use' on Settlement Plan zoning map 2.

Future development on these lands is limited to minor development where plan-making Justification Tests have not been undertaken and the Constrained Land Use applies. SFRA datasets will be made available to the lower-tier forward planning and development management and associated SFRA/FRA processes in the Council.

These processes may lead to the identification of areas where the Constrained Land Use Zoning provisions contained within this Plan may apply. In this regard, prospective applicants for developments in areas that have been previously developed and are at elevated levels of flood risk are encouraged to consult with the Planning Department at the earliest opportunity. Appendix II of the SFRA that accompanies the Plan includes mapping at a County level of historic (page 2) and predictive (page 3) flood risk indicators.

Chapter 16: Development Management Standards:

MS16.90 Domestic garage / shed / store a) The design, form and materials should be ancillary to, and consistent with the main dwelling on site. b) Structures should generally be detached and sited to the rear or side of the dwelling house and be visually subservient in terms of size, scale and bulk. c) Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use.

5.2. Natural Heritage Designations

- 5.2.1. Mount Jessop Bog SAC (site code 002202) is the nearest Natura Site, located c 5km to the south-west.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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. An appeal has been submitted on behalf of the first party by Liam Madden, Vitruvius Hibernicus. The grounds includes:
- The only relevant planning history is 10-7000-35 (10/35) where the then proposed garage was refused permission for a single reason, the same reason attached to this decision. The submitted drawings do not indicate that the sewage treatment plant was below the then proposed garage. A copy of the layout is attached to the grounds.
 - It is correct that the location of the septic tank in the original 2003 permission is different from the location where it was actually constructed. It is also correct that the site of 0.14ha is below that which would ordinarily be advised for a dwelling with a percolation area.
 - The applicant in 10/35 was Tommy Hannifin, the spouse of Caroline Kelly the current applicant.
 - Some years after the original house was erected, a plot of land immediately to the town side of the site was purchased by the applicant's husband Tommy Hannifin. Attached to the grounds is a land registry screenshot showing the additional lands, the registered owner and the area.

- The area of both land parcels is 0.30ha which is more than adequate, and a vast improvement on the rather tight 0.14ha. The 0.14ha was originally approved by Longford Co Co in its parent permission in 2003.
- The applicant (and her husband Tommy Hannifin) make available the lands in Folio LD 18573F for any putative relocation and or augmentation of the existing percolation area on the application site.
- The applicant will consent to a condition to be attached to An Bord's order requiring additional/alternative drainage to the latest EPA Code of Practice – Domestic Wastewater Treatment Systems.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, the size of the site, and flood risk and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

7.3. The Size of the Site

- 7.3.1. The limited size of the site and the location on the sewage treatment system, are part of the reason for refusal. The applicant states that the sewage treatment system is as now shown, rather than as previously shown.
- 7.3.2. The site size is given as 0.147ha. The site was previously given as 0.155 hectares in 2006 (220130 PA Reg Ref 06/15) and as 0.178ha in 2003 (205453 PA Reg Ref 03/53). It is not clear how these discrepancies could have arisen.
- 7.3.3. The dwelling on the site is not subject to this retention application. The retention refers only to the domestic storage shed.

- 7.3.4. The applicant, in support of the appeal, states that he owns additional land adjoining, which together with the site as outlined would amount to an area of 0.30ha.
- 7.3.5. In my opinion the size of the site should not be a reason to refuse or modify the proposed development.

7.4. Flood Risk

- 7.4.1. The site is not zoned, although it is within the red line boundary on the zoning map. It is located adjoining land zoned as an 'area of constrained land use'. This zoning refers to the risk of flooding. Flood risk is not referred to in the planner's report or in the reason for refusal.
- 7.4.2. I note that development in such areas is limited to minor development. The subject development is such minor development.
- 7.4.3. In my opinion it is reasonable to require as a condition of any permission, that the applicant submit proposals for the management of flood risk to the proposed development.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed retention of the domestic shed within the curtilage of an existing dwelling would be in accordance with the Longford County Development Plan 2020-2027 and 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>Within one month of the date of this permission, the applicant shall submit for the written agreement of the planning authority, proposals to mitigate the risk of flooding impact to the proposed development.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>

Planning Inspector

5th September 2022

Appendices:

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027, extracts.

