



An
Bord
Pleanála

Inspector's Report

ABP-313213-22

Development	Retention and completion of garage and all ancillary site works.
Location	Fore , Castlepollard , Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2211
Applicant(s)	Cathal Morgan.
Type of Application	Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Cathal Morgan
Observer(s)	None
Date of Site Inspection	30/01/2023
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The site is located in the village settlement of Fore, southeast of Castlepollard, Co. Westmeath. The village is north of Lough Lene.
- 1.2. The subject site is 0.28Ha located in close proximity to the local national school on the outskirts of the village. It is located on the southern side of L-1629-47 on an elevated site above the level of the road.
- 1.3. There is a large two storey dwelling on the site owned by the applicant. The subject shed is located along the north-western site boundary. There is a bungalow on the neighbouring site located in close proximity to the shed. Also on the neighbouring site to the northwest are two sheds/workshops and another dwelling.
- 1.4. The shed is up to roof height. It is accessed from an internal road located alongside the southwestern site boundary to the rear of the dwelling. The internal access road is located at a higher ground level than the applicant's dwelling.

2.0 Proposed Development

- 2.1. To retain and complete an existing garage to include a fuel store and storage area with ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co. Co. Refused the development by Manager's Order on the 8th of March 2022 for one reason:

The proposed retention of development, by reason of its height, scale and mass, the close proximity to the north-western boundary, would seriously injure the residential amenities and depreciate the value of the adjoining properties, therefore, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The principle of the development was established under planning reference 11/2053.
- Under the terms of the permitted development the garage was to be sited 7metres from the north-western boundary, with a maximum height of 5.8m and gross floor area of 85.9sq.m.
- The current proposal is for retention of a garage 6.9m with a gross floor are of 151sq.m. and it was erected in close proximity to the north western boundary.
- The neighbour has concerns about the negative impact on their amenities as a result of the changes carried out to the permitted shed.
- It is considered the retention of the shed at this scale, size and siting will have an adverse impact on the adjoining neighbours and would set an undesirable precedent.

3.2.2. Other Technical Reports

District Engineer: No objections

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The neighbouring landowner to the southwest objected to the development on the following grounds:

- The planning permission was for a smaller garage. The works on the garage started outside of the 5-year period.
- The development is out of scale with the village.
- The position, length, scale and finished floor level are different to that permitted in 2011.
- Impact negatively on private amenity space, residential amenity and overshadowing.

4.0 Planning History

4.1 *Planning Reference: 112053*

Permission to demolish existing dwelling and two existing sheds and to decommission septic tank and percolation area to build a new dwelling and domestic garage and septic tank.

4.2 *ENF21085*

Unauthorised two storey garage.

5.0 Policy Context

5.1. Development Plan

Westmeath County Development Plan 2021-2027

CPO 16.34 Domestic Garages/ Shed/ Store

- The design, form and materials should be ancillary to and consistent with the main dwelling on site.
- Structures should generally be detached and sited to the rear of the dwelling house and visually subservient in terms of size, scale and bulk.
- 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

The nearest Natura 2000 site is Lough Lene SAC (Site Code: 002121). There is no direct or indirect hydrological link from the site to the Natura 2000 site.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, comprising of retention of a domestic garage/ shed 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

The mass and scale of the structure is the central issue affecting the residential amenity of the adjoining owner. It is proposed to amend the size of the structure to reduce the mass and scale and to return the area of the structure to that permitted under *Planning Ref. 11/2053* which was 85.8sq.m. with a permitted ridge height of 5.8m. It is proposed to demolish the northern gable end and set it back approximately 4metres such that the area of the constructed shed, leaving a shed 7m x 14m as permitted by the original planning permission. These amendments would result in an internal floor area of 13.8 x 6.9 = 95sq.m. The applicant intends to park his work van at the southern end of the garage for security. This would take up 17sq.m. reducing the useable area of the garage to 78sq.m. which is similar to the useable space granted under *Planning Ref. 11/2053*.

It is proposed to retain the fuel store at ground level (27sq.m.) as it is convenient at ground floor (27sq.m) and will allow for top-up of solid fuel. The shutter doors will be removed and doors in keeping with a domestic setting will be installed. The roof will be shallow.

The house on the site is cut into a steep hill. The original site layout submitted with *Planning Ref 11/2053* demonstrates that due to the position of the wastewater treatment system and percolation area the potential location for the garage were along the south-western site boundary. The applicants were advised by the planning authority to direct the gable end of the garage towards the road. The landowner to the southwest has altered the way which surface water is drained from his lands. The consequence for the applicant is that he cannot cut the site back as far as indicated on the submitted drawings.

The applicant had laid the footings for the garage when it became apparent the adjoining landowner had altered the surface alter drainage on adjacent lands. The

flood of the garage started to flood. The applicant decides to raise the finished floor level of the garage by 4 feet. This enabled him to drive his van into the garage and maintain the ridge height as the same as house. Memory stick provided indicates the flooding.

The revised structure will result in a significant reduction in mass and scale to that permitted under 11/2034. The building of less mass will not impact on existing residential amenities.

The applicant attempted to soften the impact of the structure by planting a hedge but the neighbour repeatedly cuts the hedge.

6.2. Planning Authority Response

None.

7.0 Assessment

7.1 Having considered the appeal file and inspected the site I consider the relevant issues to be addressed in this appeal area the following:

- Planning History
- Development Plan Policies
- Impact on Neighbouring Amenities
- Appropriate Assessment

7.2 Under planning reference 11/2053, the applicant was granted planning permission to demolish the existing dwelling on the site and two existing sheds, and to construct a new two storey dwelling, a domestic garage and a new septic tank and percolation area. The dwelling house is complete and occupied. The applicant proceeded to erect the domestic garage at a different location, with a different scale, height and size to the permitted unit. An Enforcement File was opened ENF:21085, and a Warning Letter issued from the planning authority. The planning application to retain and complete the garage was submitted to the planning authority who refused it for one reason:

The proposed retention of development, by reason of its height, scale and mass, the close proximity to the north western boundary, would seriously injure the residential

amenities and depreciate the value of the adjoining properties, therefore, would be contrary to the proper planning and sustainable development of the area.

Reviewing the drawings from the permitted development granted under Planning Reg. Reference 11/2053, the garage currently under consideration is significantly bigger in scale and massing. The site is elevated and slopes upwards from the road, making the bulk and scale of the garage oppressive when viewed from the road, adjoining properties and internally on the site. In addition, the overall height was increased due to the finished floor levels of the structure being increased by 1.2m due to flooding of the foundations when they were laid.

Under the terms of the permitted development the garage was to be sited 7metres from the north-western boundary, to a maximum height of 5.8m with a gross floor area of 85.9sq.m. The current structure for retention of a garage is 6.9m in height with a gross floor area of 151sq.m. It was erected in close proximity to the north western boundary, with the most bulky portion (two storey element, which was not permitted under the original permission) in close proximity to the neighbouring bungalow to the north west of the site.

On appeal it is proposed to partially demolish the north-eastern end of the structure creating a setback of 4metres, with an internal floor area of 95sq.m.. The ground floor area on the north-eastern elevation would be retained (27sq.m.) as a convenient fuel store.

The appeal submission illustrates the revised proposals, however the drawings do not accurately indicate the roof on the lower level therefore, it is not possible to established the finished height. There are no contiguous elevations or accurate illustrations regarding the revised structure on appeal relative to the neighbouring dwelling. From my reading of the appeal file, I am unsure if the third parties, who objected to the original proposal, are aware of the revised proposals presented on appeal. The diagrams illustrate a section cut out from the existing shed, and although certain dimensions are given, these are not to scale drawings. Overall, I am not satisfied with the accuracy or the level of detail in the revised drawings, I consider them to be illustrative drawings as opposed to accurate technical drawings. Having regard to the third party concerns expressed at the planning application

stage and the reason for refusal given by the planning authority, I do consider the Board is not in a position to comprehensively consider the revised drawings.

The principle of a domestic garage was considered and permitted under Planning Reference 11/2053. Although the structure has been constructed at a different location and to a different height and scale to the permitted development, I consider the garage floor area should revert back to the original permitted area. The north-eastern gable end should be setback back a minimum of 5.6metres from its front building line, at first and ground floor level, to a single storey level only. This will result in an internal floor area of 86sq. in line with the permitted development, with an approximate external dimension of 7.5m x 12.8m.

7.3 Development Plan Policies

The current development plan for the area is the Westmeath County Development Plan 2021-2027. The relevant policy is:

CPO 16.34 Domestic Garages/ Shed/ Store

- *The design, form and materials should be ancillary to and consistent with the main dwelling on site.*
- *Structures should generally be detached and sited to the rear of the dwelling house and visually subservient in terms of size, scale and bulk.*
- *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.*

Having regard to the siting, bulk and height of the structure in its current form, the garage does not comply with this policy. It is positioned on a higher ground level to the dwelling on the subject site, and the structure is two storey when viewed from the front of the curtilage and public road. It is not visually subservient, in fact it is a dominant feature on the site, and disproportionate in terms of scale to the dwelling. I accept there are a number of serious constraints associated with the gradients of the site, however given the finished floor level of the structure, the overall height and proximity to a neighbouring house, I consider the structure to be obtrusively sited and it is out of context in terms of its residential curtilage.

7.4 Impact on Neighbouring Amenities

As stated earlier, there is a neighbouring bungalow to the northwest of the structure, and it is in close proximity to the structure. Photographs on the appeal file taken by me during the site inspection, by the planning authority during the course of its assessment and the neighbouring objectors, illustrate fully, the visual and overbearing impact of the current structure on the neighbouring bungalow.

I did note on my inspection the neighbouring bungalow has two sheds and an additional dwelling within its curtilage, which I consider to be a significant level of development within a small curtilage, but the setbacks and scale of the said structures do not negatively impact on the amenities of the bungalow to the same extent as the subject garage.

As stated earlier, the garage has been previously permitted in principle. I have no issue with the principle of the applicant having a detached garage at this location. However, the scale, height and massing must respect the neighbouring single storey dwelling. On appeal it is stated the finished floor level of the structure was raised by 1.2m because the original floor level of the structure kept flooding. Consequently, this would explain the increase in height of the structure, but it does not justify the increased in scale, bulk and relocation of the structure. In my opinion, setting back the front building line (north-eastern elevation) of the structure by 5.6metres, in line with the floor area of the original permitted garage, would represent a reasonable compromise in this situation. The plans should be submitted to the planning authority for written agreement prior to the commencement of the development.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend the Board grant the development subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the current development plan policies, the planning permission of the site whereby a domestic garage was permitted on the subject under Planning Registration Reference 11/2053, it is considered subject to the conditions outlined below, the development would not seriously injure residential amenities and would be in keeping 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>Prior to the commencement of the development, the applicant shall submit and agree in writing revised drawings indicating the structure will be setback 5.6metre on the north-eastern elevation revising the overall garage/ shed to a single storey unit only.</p> <p>Reason: In the interest of residential and visual amenity.</p>

Caryn Coogan
Planning Inspector

21/02/2023