



An
Bord
Pleanála

Inspector's Report

ABP-313218-22

Development	Retention of storage shed to the rear of the house
Location	54 Castle Manor, Racecourse Road, Roscommon, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2221
Applicant(s)	Noel & Jean McHugh
Type of Application	Retention Permission
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party
Appellant(s)	Noel & Jean McHugh
Observer(s)	None
Date of Site Inspection	26 th October 2022
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located at 54 Castle Manor, a new housing development on the northern side of Racecourse Road, to the north-west of Roscommon town.
- 1.2. The appeal site is located in the north-west corner of the development and appears to have the largest rear garden within the development. The appeal site accommodates a detached two storey dwelling, with a steel frame shed in the rear garden. In common with the rear gardens of the adjoining dwellings at this location, the rear garden of the appeal property is elevated relative to the dwelling on the appeal site.
- 1.3. Boundaries of the appeal site comprise timber fence along the south-western boundary, a block wall with timber trellis mounted atop along the northern site boundary, a c. 2 metre high concrete block wall along the western boundary and a timber fence along the eastern boundary.
- 1.4. The rear gardens of No. 46 and 47 Castle Manor abut the appeal site to the north. The dwellings and associated rear gardens of No. 46 – 51 Castle Manor are elevated relative to the appeal site, reflecting the general topography of the estate, which rises up from the N60. The lands to the west accommodate a commercial development and appear to be currently used as a construction compound.

2.0 Proposed Development

- 2.1. The proposed development comprises retention permission for a domestic storage shed with a stated floor area of 54 sqm.
- 2.2. The structure has principle stated dimensions of c. 9 metres x c. 6 metres, a pitched roof and material finishes comprising steel cladding (grey colour). The structure has a maximum ridge height of c. 3.5 metres, with an eaves level of c. 2.5 metres. There are doors on the east and south elevations, the structure is not served by any window openings.
- 2.3. The proposed structure is located in the north-west corner of the rear garden and is set off the northern and western site boundaries by 1.7 metres and 1.8 metres respectively.

- 2.4. The finished floor level (FFL) of the proposed structure is stated as being c. 102.7 metres (OD Malin), whereas the FFL of the dwelling on the appeal site is stated as 100.7 metres (OD Malin).
- 2.5. Surface water from the roof of the shed structure discharges to a soakaway in the garden.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Retention Permission on the 11th March 2022 for 1 no. reason which can be summarised as follows;

1. The domestic storage shed which is proposed to be retained is, by reason of its scale, elevated position within the site and overall design concept, incapable of integrating with the residential setting in which it is sited. Due to its scale and design, the structure is also injurious to the visual and residential amenities of the area and would set a precedent for other similarly inappropriate structures in residential settings. The development fails to protect and enhance the residential amenity of the area and as such is considered to be contrary to the zoning objectives pertaining to the site, which is zoned 'Existing Residential' in the Roscommon Town Local Area Plan 2014-2020.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer includes the following comments;

- The shed is visually prominent, including from the N60, one of the main roads in Roscommon. An alternative location within the site would have reduced the visual impact of the shed.
- The scale of the shed is inappropriate in a residential area.
- No. 46 Castle Manor is the most impacted property, both in terms of views of the shed and as a result of overshadowing.

The report of the Planning Officer recommends a refusal of retention permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

None received.

4.0 Planning History

Appeal Site

None.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant development plan is the Roscommon County Development Plan 2022-2028, which came into effect on the 19th April 2022. The appeal site is not subject to a specific land-use zoning in the Roscommon County Development Plan 2022-2028. Objectives/sections of the Roscommon County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- 12.9: Domestic Garages/Sheds (Urban and Rural)

Domestic garages and sheds shall generally be subordinate to the existing dwelling in its size, unless in exceptional cases where a larger garage/shed compliments the existing dwelling in its design and massing. The proposed structure shall not have an adverse impact on the amenities of adjoining

properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.

5.1.2. The appeal site was zoned 'existing residential' under the Roscommon Town LAP 2014 – 2020. This LAP has expired. The Roscommon LAP 2023 – 2029 is currently being prepared.

5.2. **Natural Heritage Designations**

The appeal site is not located within or close to any European site.

5.3. **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and therefore is not subject to EIA requirements.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a first-party appeal against the decision to refuse retention permission. The grounds for appeal can be summarised as follows;

- The first party were unaware of the requirement to obtain planning permission for the shed.
- The shed is used for storage purposes, ancillary to the use of the dwelling, and is not used for commercial purposes.
- No third party observations were submitted in relation to the planning application. A number of letters of support accompanied the planning application.
- The proposal does not result in any adverse environmental impacts.
- The neighbouring land is zoned for commercial purposes.

- There are no specific policies/standards in respect of outbuildings in the Roscommon County Development Plan 2014-2020 or the Roscommon Town LAP 2014-2020.
- The Planning Authority have failed to acknowledge that local ground levels in the wider estate rise, thereby the visual impact of the shed is negligible in the context of the development which abuts the appeal site to the rear.
- The siting of the shed at a lower part of the appeal site is not feasible, and would involve excavating into the hill.
- The shed is not overtly visible from the N60.
- There are similar sheds within the estate, and as such the shed is not out of character with the area. Such structures are not uncommon within residential areas. Reference to precedents for sheds of a similar scale are cited.
- The shed is single storey and has a subsidiary relationship to the dwelling. The scale of the shed is also commensurate with the site boundaries.
- The area of the garden is 510 sqm and as such the shed is capable of being integrated into same.
- Regarding impacts on No. 46, the levels across the estate rise in a northerly direction and as such ground levels within No. 46 should not be equated with the appeal site. The shed is set off the boundary 1.7 metres, with the rear wall of No. 46 situated a further 11 metres from this boundary. The occupants of No. 46 have erected timber screening on top of the boundary wall increasing the overall height of this boundary to 2.4 metres, this was done prior to the construction of the shed and was carried out to negate the effects of wind. The shed will not therefore negatively affect the amenity of No. 46.
- The shed does not result in overshadowing of neighbouring property, noting the separation distances concerned.
- The shed does not have any windows and as such will not result in any overlooking of neighbouring property.
- Letters of support from neighbouring properties have been furnished with the appeal submission.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

7.0 **Assessment**

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

- Impact on Visual Amenity
- Impact on Residential Amenity
- Appropriate Assessment
- Matters Arising

7.2. **Impact on Visual Amenity**

7.2.1. The primary reason for refusal cited by the Planning Authority concerns the visual prominence of the shed structure, and consequent impact on the visual amenity of the area, with reference to the elevated nature of the rear garden of the appeal property.

7.2.2. I note that the Castle Manor development has been constructed on a site which is elevated relative to the R60, and as such, the dwellings to the rear/north of the estate are situated at a higher level compared to the dwellings to the front/south of the estate. As a consequence, a number of the dwellings within the development have elevated rear gardens, with garden sheds visible. As the development is new, I note that in time as residents plant trees etc. the appearance of sheds in the rear gardens of properties, including the appeal site, will help soften the appearance of the structures.

7.2.3. Due to the position of the appeal site within the development, occupying a corner site, and due to its elevated rear garden, which is a characteristic of the development, glimpses of the shed are possible from the entrance to the development at the junction with the R60. That being said, in the context of the wider development, where sheds in rear gardens are visible throughout the development, I do not consider the shed to be an incongruous feature.

- 7.2.4. I do not consider that the shed is excessive in scale, noting its floor area, and its ridge height. I am cognisant that a shed structure with a height of 4 metres could be constructed on the site under exempted development¹, and whilst the maximum floor area provided under exempted development would be limited to 25 sqm, the resulting structure would in my opinion be comparable in terms of its visual impact.
- 7.2.5. In summation, having regard to the topographical characteristics of the wider development, the prominence of garden sheds within adjacent gardens which share similar characteristics in terms of visual prominence, and to the scale and design of the proposed shed, I do not consider that the proposed development would have a significant negative impact on the visual amenities of the area, such as to warrant a refusal of retention permission.

7.3. Impact on Residential Amenity

- 7.3.1. The Planning Authority considered the shed to be injurious to the residential amenity of adjacent property, due to its scale and design. The report of the Planning Officer raises concern in relation to the amenity of No. 46 Castle Manor, which is situated to the north of the appeal site, and considers that this property would be particularly impacted arising from overshadowing, and as the view from this property would be dominated by the shed.
- 7.3.2. The first party contends that the Planning Authority have not adequately considered the context of the appeal site in terms of its topography relative to adjoining property, in particular the dwellings to the north, and No. 46 Castle Manor. In this regard I note that the dwellings to the north of the appeal site, including No. 46 Castle Manor are sited at a higher level compared to the appeal site, and as a consequence the impact of the shed is mitigated to a degree. The first party has submitted a number of photographs to illustrate this, and I refer the Board to Appendix 13(a) of the first party appeal submission, which demonstrates the relationship of the shed to the properties to the north. Having regard to location of the properties to the north, and in particular No. 46, 47 and 48, and the levels of the rear gardens serving these properties relative to the appeal site, I do not consider that the proposed shed has a significant negative

¹ Class 3, Schedule 2, Part 1, Planning and Development Regulations, 2001, as amended.

impact on the residential amenity of the properties to the north in terms of overbearance.

- 7.3.3. In terms of the impact of the shed on the adjoining properties to the south-west (No. 55) and east (No. 53), I note that the shed is located c. 25 metres from both dwellings. Whilst these properties will experience the shed as a prominent feature, this is for the most part due to the fact that the rear gardens of the dwellings at this location are elevated relative to the dwellings and the siting of any shed to the rear of these dwellings will be dominate in this context. In my opinion such structures are prevalent in residential settings and I do not consider that the shed would result in any significant negative impacts on the residential amenity of the adjoining dwellings.
- 7.3.4. The shed is not served by any windows and whilst the door openings are glazed, noting the use of the shed for storage purposes, and the height of the site boundaries, I do not consider that the proposal results in any significant overlooking of adjoining property.
- 7.3.5. With regard to overshadowing, noting the scale and height of the shed, its relationship to adjoining site boundaries, and importantly the height of the site boundaries, I do not consider the proposal to result in any significant degree of overshadowing. Appendix 12 (c) submitted by the first party in their appeal submission provides an indication of the degree of overshadowing which is contained within the boundaries of the site due to the height of the site boundaries.
- 7.3.6. In summation, having regard to the forgoing, I do not consider that the proposed development would have a significant negative impact on the residential amenities of adjoining property, such as to warrant a refusal of retention permission. Furthermore, I consider that the proposed development would accord with Policy 12.9 of the Roscommon County Development Plan 2022 – 2028, which requires that domestic garages/sheds do not have adverse impacts on adjoining properties or result in a dominant visual impact.

7.4. **Matters Arising**

- 7.4.1. The adopted Roscommon County Council Development Contribution Scheme 2014, as amended 24th February 2020, provides that house extensions shall be exempt from development contributions. The Scheme does not refer to domestic garages or sheds.

7.4.2. The Development Contribution Scheme states that the basis for determining the contributions to be paid is based on criteria which includes, the estimated charge for each residential unit and the estimated charge per m² for industrial/commercial development and other categories of development.

7.4.3. Having regard to the absence of reference in the Development Contribution Scheme to domestic sheds and garages, the reference to 'residential unit' as a criteria on which development contributions are based, with a specific exemption for extensions to dwellings, I consider that domestic sheds and garages would not attract a development contribution. Additionally, I note that domestic sheds and garages, which are typically used for storage and are ancillary to the residential use of the dwelling could therefore be considered analogous with an extension to a dwelling, and when permitted are conditioned in this manner.

7.4.4. The Development Contributions, Guidelines for Planning Authorities, provide that no exemption or waiver should apply to any applications for retention of development. However, given that the Roscommon County Council Development Contribution Scheme does not specifically refer to the provision of domestic sheds or garages, I consider it reasonable that the proposal would not attract a development contribution, should the Board be minded to grant retention permission for the proposal.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 **Recommendation**

8.1. Having regard to the above it is recommended that retention permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

9.1. Having regard to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the retention of the development as proposed would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained 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 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>The shed structure shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structure shall not be used for the purposes of independent habitation.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

Ian Campbell
Planning Inspector

8th November 2022