



An
Bord
Pleanála

Inspector's Report

ABP-313783-22

Development	Extension and associated works to house, former stables converted to out buildings, new stable area and associated site works.
Location	Ballycorrigan, Ballina, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	211231
Applicant(s)	Seamus McKeogh
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Freda Delaney
Date of Site Inspection	21 st July 2023

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.97 hectares, is located a short distance to the east of Ballina, Co. Tipperary in the townland of Ballycorrigan. The site is occupied by a two-storey dwelling, outbuildings a stable block and sand arena. The site has an access point to the dwelling to the south of the site. The stable block is accessed off an existing laneway running to the west of the site with vehicular entrance to the south west of the site. Adjoining properties include a dormer style dwelling to the south west (appellant's dwelling) and existing dwelling to the east, agricultural lands to the north and west with the western boundary of the site defined by an existing laneway that provides access to the site and agricultural lands to the north.

2.0 Proposed Development

2.1 Permission is sought for retention of kitchen extension and associated works to existing dwelling, conversion of former stables to out-buildings to rear of dwelling, new stable building, adjoining sand arena, access road, hard-standing area and all associated development works. The extension to the dwelling has an internal floor area of 27sqm and a covered outdoor area of 29sqm and is to the side of an existing two-storey dwelling has a ridge height of 4m with the roof profile part flat roof and part pitched roof. The extension has a rendered finish matching the existing dwelling. The former stables converted to outbuildings have a floor area of 75sqm with a ridge height of 4.5m and is an L-shaped block featuring a shallow angled pitched roof and is located to the rear of the dwelling on site. The new stable building has a floor area of 130sqm and a ridge height of 4m, a shallow angled pitched roof and external finishes of rendered plaster and metal cladding on the roof. The proposal entails retention of sand area and arena to the south of stables. The permission also include a retention of a new access road to the stables and hardstanding area on the western side of the existing dwelling with access off an existing laneway running to the west of the site and providing access to the public road.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission granted subject to 4 conditions with the following conditions of note...

Condition 2: Surface water runoff to be disposed of within the site.

Condition 3: Oxidised and galvanised surfaces to be painted dark green.

Condition 4: Construction management condition.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning Report (05/10/21): Further information required including justification for location of stables and mitigation measures including screen planting, demonstration of sightlines at the vehicular entrance point, details of traffic movements of horses to and from the site, clarification of intended use of stables, clarify proposal for disposal of manure and soiled bedding and details of surface water disposal.

Planning report (18/05/22): The proposed development was considered to acceptable in the context of proper planning and sustainable development of the area subject to a number of conditions. A grant of permission was recommended subject to the conditions outlined above.

3.2.2 Other Technical reports

No comments to make.

3.3. **Prescribed Bodies**

None

3.4. Third Party Observations

3.4.1 One submission

The proposed stables are within 100m of the observers dwelling, loss of privacy and light due to proximity to observers dwelling.

4.0 Planning History

02510799: Permission granted for a dwelling house, garage, septic tank and ancillary site works.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Tipperary County Development Plan 2022-2028.

The site is located within the rural area of the county. The site is located in the Landscape Character Area, The Lakelands.

4.12 Domestic Extensions

The Council will seek to implement the following guidelines in respect of extensions.

a) A ground level extension shall be subordinate to the main dwelling in scale and design. There are, however, circumstances where an existing property is limited in size (e.g. a single bedroom cottage) and a large extension is required to allow it to be brought up to modern living standards. Such developments will be considered on a case-by-case basis and will require a sensitive design to ensure that the proposal will not dominate the local streetscape and a plot size that can absorb the development.

- b) The extension shall integrate with the primary dwelling, following window proportions, detailing and finishes, including texture, materials and colour.
- c) The design and layout of extensions to houses shall have regard to the amenities of adjoining properties. The Council may require the submission of a daylight, sunlight and overshadowing assessment, if considered necessary.
- d) Where a dwelling is served by an on-site waste water treatment system and where the extension increases the potential occupancy of the dwelling, the applicant shall demonstrate that the system complies with the standards of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021), (or any amendment thereof).

4.14 Domestic Garages

The scale and detail of domestic garages shall be subordinate to the main dwelling and their use shall not impact on adjoining residential amenity. Detached garages should be less than 70sqm and should be discreetly located on the site to compliment the dwelling appearance and finish.

5.2 **Natural Heritage Designations**

None within the zone of influence of the project.

5.3 **EIA Screening**

Having regard to the nature and scale of the proposed development, comprising of construction of a dwelling house and driveway in an urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Freda Delaney. The grounds of appeal are follows...

- The background of the development is set out.
- The stables are in very close proximity to the appellant's dwelling with concern regarding the impact of noise and odour.
- The stable block is excessive in scale relative to the domestic setting with the appellant concerned regarding potential for commercial use/horse breeding.
- Lack of justification for the scale of development was provided in response to the request for such by way of further information.
- The appellant refers to exempted development standards and the restriction of agricultural structures within 100m of neighbouring dwellings and highlights the impact of odour, noise and light spillage from the stable development.
- The proposed stables and newly raised roadway cause a loss of privacy and intrusion and the landscaping proposed is not sufficient with the applicant having also erected an unsightly fence.
- The appellant highlights health and safety concerns noting demolition of wall with concerns regarding the elevated roadway and embankment and structural stability in relation the appellant's property.
- The propose development is contrary a number of Development Plan polices of the North Tipperary County Development Plan 2010 in relation to landscape (LH2) with the proposal having a negative impact on such, noise and light pollution (TI12 and TI13) and the lack of compliance with development Standards with reference to 10.11.7 and 10.111.9 regarding residential extension and garages in context of adjoining amenities. The appellant also refers to section 10.15 (noise and 10.16 (lighting) noting the proposal is contrary such policies.

6.2. Planning Authority Response

6.2.1 No response

6.3. Applicants Response

6.3.1 Response by the applicant Seamus McKeogh.

- The applicant disagrees with the appellant's grounds noting he consulted with the appellant prior to construction. The applicant notes that there was no stone wall between the properties and the applicant constructed a dry stone wall in recent years which remains on site.
- The appellant's property is well screened from the stables.
- The applicant responded to the FI request and the response was deemed satisfactory by the PA. The applicant is willing to accept further conditions.
- The location of the stables was chosen due to proximity to the sand arena, which was built in 2003.
- The stable building was developed with 6 loose boxes, one in use as a tack room and one as storage and is an appropriate scale.
- The stables are not visible from the appellant's house.
- Noise and odour are minimal and the applicant has kept horses on the site since 2003.
- The applicant is willing to accept a condition limiting the extent of use of the stables and such will be only used in the winter months.
- The applicant will accept a reasonable condition regarding disposal of siled bedding.
- There is no floodlighting and external lights can be provided with directional hoods, removed or be subject to a condition.
- The proposal is not contrary Development plan policy.

- The applicant will comply with conditions applied and will accept appropriate conditions regarding use of the stables, removal of waste, lighting and additional landscaping.

7.0 **Assessment**

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development

Design, scale, visual amenity

Physical impact/adjoining amenity

7.2 Principle of the proposed development:

7.2.1 The proposal is a retention application of a number of elements including a single-storey extension to the side of an existing dwelling, conversion of former stables to an outbuilding for storage, retention of stables and associated sand area, arena, hardstanding area and new access road. There is an existing dwelling on site and the provision of an extension and ancillary outbuildings would be acceptable subject to appropriate scale and design. In regards to the stables and its associated sand area, arena, hardstanding area and new access road, such is located in a rural area and the provision of such would not be out of character or unusual in such a setting. I would consider that the principle of such is acceptable subject to an acceptable visual impact and an appropriate physical impact in terms of adjoining amenities, which is to be examined in the later sections of this report.

7.3 Design, scale and visual amenity:

7.3.1 The proposed extension for retention is a single-storey extension to a two-storey dwelling and is subordinate in nature. I would be satisfied that the overall design and scale of the extension is satisfactory in regards to visual amenity. The outbuilding to the rear of the dwelling is single-storey and subordinate in scale to the existing dwelling and would not be highly visible in the surrounding area. The grounds of

appeal raise concerns regarding the scale of the stable block for retention and note that such has an adverse visual impact. Having inspected the site I would note that the stable block is not of excessive in physical scale and features a low profile pitched roof and ridge height of 4m. The stable block is located to the south west of the site and although elevated relative to the public road to the south, this structure is not visible in the surrounding area or only partially visible from the public road through the main entrance to the site. Such is due to the good level of screening vegetation along the boundaries of the site and intervening topography and structures. I would be of the view that the stable block and its associated external areas are do not have a significant visual impact in the surrounding area or from the nearest residential properties. It is notable that in response to further information the applicant is proposing additional planting along the southern and western boundaries adjacent the appellants property.

7.4 Physical impact/adjoining amenity:

7.4.1 The appeal submission concerns the stable for retention and their proximity to the appellants dwellings as well the associated access road, hardstanding area and outdoor elements. The appellant contends that the stables are excessive in scale and too close in proximity to their dwelling with concerns raised regarding disturbance thorough noise, odour, lighting and general activity. The stables are 130sqm in area and contain 6 loose boxes with the applicant indicating that two are used for a tack room and dry storage. The appellant raises the fact that the stable block is within 100m of their dwelling. Reference to this aspect relates to exempted development with agricultural structures within the exempted development limits on size and scale not exempt if they are within 100m of a dwelling in different ownership. This is not a standard that precludes development within 100m of a dwelling but a condition and limitation on exempted development and is not decisive factor in whether an agricultural development is appropriate in the context of the proper planning and sustainable development of the area.

7.4.2 In terms of physical scale and as noted in the former section the stable block is well screened from the appellants dwelling to the south west with existing boundary

treatment of mature trees and vegetation and a wooden fence. In this regard I do not consider that the stable is visible from the appellant's property and in this regard does not have an overbearing visual impact. I would disagree with the appellant's argument that the stable block is excessive in scale for a development within the curtilage of a residential property and would consider that an appropriate condition limiting the structure from commercial use is sufficient to allay concerns regarding intensity of use.

7.4.3 In relation to the issue of noise, I would be of the view that the site is located in a rural area in which in this type of development is neither out of character or unusual and the provision of such on a site neighbouring an existing rural dwelling would be an acceptable type of development. I would again refer to the fact that the level of boundary treatment between the appeal site and the appellant's property provides a good level of screening and a significant physical buffer between the two and will also serve to reduce noise impact. As noted earlier the applicant has proposed additional landscaping along the boundary with the appellant's site. I would be of the view that the scale of development adjoining the appellant's property is not excessive and is a development in keeping in this rural context.

7.4.4 In regards to odour I would note that on my site visit the stable block and associated yard were very well maintained, clean and orderly with no obvious odour issues concerning the development for retention. The applicant's FI response indicated that all manure and soiled bedding will be spread on a 10 hectare parcel of land 2.7km from the stables owned by the applicant (maps submitted). I would consider appropriate management of sources of odour would alleviate any concern regarding odour and that appropriate conditions in this regard would deal with this matter.

7.4.5 On the issue of lighting the existing stable block has a light on three elevations, east, west and south. These lights are at a low elevation and angled downwards. I do not consider that there is an excessive level of lighting provided and would consider that light overspill is not likely given the existing and boundary treatment (additional landscaping proposed) between the appeal site and the appellant's property.

7.4.6. The appellant raises concern about the impact of the development on an existing stone wall on the boundary and that such has been impacted structurally as well as raising concern about structural integrity of the embankment along the southern side of the new access road running along the northern boundary of the appellant's property. The appellant has noted that the stone wall in question was constructed by them and refutes the appellant's arguments regarding impact on such. In this regard I would again refer to the fact that the level of boundary treatment between the appeal site and the appellant's property is of a reasonable standard including mature trees and vegetation (additional planting proposed) as well as a wooden fence. There is an existing stone wall located behind the wooden fence at a lower level and there seems to be some dispute over whose property such is in. Having inspected the site I can see no obvious issues that would lead to the conclusion that the development has impacted or would in future impact on structural stability of the boundary or the embankment to the south of the new access road where there is a change in levels between the appellant's property and the appeal site.

7.4.7 I am satisfied that the overall nature and scale of development for retention is appropriate at this location and would have no adverse impact on the visual amenities of the area, the amenities of adjoining properties or on traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity 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.

9.0 Recommendation

I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the rural location of the site, the nature, character and scale of the development proposed for retention and the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of April, 2022, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The stables for retention shall not be used for any commercial, industrial or business purposes and shall not be rented or leased independently of the existing dwelling on site.

Reason: In the interest of orderly development.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and

(b) all soiled waters shall be directed to a storage tank.

Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health

4. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

5. The proposed additional planting shown in the amended Site Layout Map submitted to the planning authority on the 27th day of April, 2022 shall consist of indigenous planting at the locations indicated. The planting proposed shall be carried out within 12 months of the date of this order. Any trees or shrubs which are removed, die, become severely damaged or diseased within five years of planting shall be replaced within the next planting season with trees or shrubs of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the visual amenities of the area.

6. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations, 2014 (SI no. 314 of 2014).

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Colin McBride
Senior Planning Inspector

24th July 2023