



An
Bord
Pleanála

Inspector's Report

ABP-314728-22

Development	Permission for retention and completion of garden studio
Location	Nineteenacres, Lady's Island, County Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220967
Applicant(s)	John Paul Murphy.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Paul Murphy.
Observer(s)	None.
Date of Site Inspection	2 nd March 2023.
Inspector	Peter Nelson

1.0 Site Location and Description

- 1.1. The subject site is located at Ninteenacres, Lady's Island, County Wexford and is c.1km south of Lady's Island Village. The site is part of a row of detached dwellings and a hotel. The site is L-shaped and extends to the rear of the dwellings to the south. To the rear of the site there is an open field which leads down to the shore of Lady's Island Lake
- 1.2. The site has a stated area of 0.65ha. The site includes a two-storey dwelling, a tennis court, garage and the structure which is the subject of this planning appeal.
- 1.3. The development to be retained and completed is to the southwestern corner of the site. A newly built internal access road and landscaping are adjacent to the development. There is an access gate to the neighbouring field on the southern boundary. There is hedgerow along the western boundary of the site and hedgerow and trees along the southern boundary.

2.0 Proposed Development

- 2.1. Permission sought for retention and completion of the following:
 - A garden studio and associated works.

The total floor area of the garden studio is 42.5m² part of which 27.8m² was an existing garden shed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on the 7th of December 2022 for following reason:

It is considered that by reason of the materials used, the overall mass and its proposed position on the site that the structure for retention and completion would have a detrimental visual impact on an area which is designated as both a coastal and greater sensitivity. The proposed development is therefore

contrary to Objective CZM16, and CZM17 of the Wexford County Development Plan 2013-2019 and is contrary to 1.2.4 and 1.3 of the landscape character assessment and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning report dated the 6th of September 2022 reflects the decision to refuse and includes the following comments:

- The proposed 'garden studio' would have a detrimental visual impact on this developed exposed coastal/sensitive landscape area and would set a precedent for other similar developments.
- The proposed development could be used as a separate dwelling rather than a garden studio.
- The use of an existing glass conservatory is not appropriate for this location within a sensitivity and coastal landscape.
- The proposed siting of the building is inappropriate for this sensitive and coastal landscape designation.

3.2.2. Other Technical Reports

Roads Inspection Report dated 5th August 2022 contains no technical observations

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The Planning Authority did not receive any submissions/observations in relation to the application.

4.0 Planning History

4.1. PA Reg. Ref. 20201182

4.2. Permission granted for the construction of single storey rear, side and front extensions, new detached garage, first floor rear extension and external alterations to existing dwelling. This was a change in design to that granted under PA Reg. Ref. 20190027. Before this an extension was refused permission under PA Reg. Ref. 20182292 as it was unclear from the information submitted whether the septic tank would be less than 7m from the proposed extension if left in situ and whether relocating the septic tank would be necessary.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Wexford County Development Plan 2022-2028 was adopted on the 13th of June 2022 and came into effect on the 25th of July 2022.
- 5.1.2. Chapter 11 of the development plan sets out policies in relation to Landscape and Green Infrastructure. A Landscape Character Assessment has identified Lady's Island which includes the subject site, as a Distinctive Landscape. The site is also included in an area identified as a Coastal Landscape Unit.
- 5.1.3. Section 3 of Volume 2 sets out a Development Management Manual for residential developments in the County. Sub-section 3.2 Domestic Garages sets out the requirement in relation to domestic garage/store for use ancillary to the enjoyment of a dwelling house.
- 5.1.4. Volume 7 Landscape Character Assessment set out the council's objectives for sensitive landscapes including:
- Objective L04 To require all developments to be appropriately sited, designed and landscaped having regard to their setting in the landscape, ensure that any potential adverse visual impacts are minimised, and that natural features and characteristics of the site are retained.

- Objective L05 To ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are in the general vicinity of the proposed development site: -

- Lady's Island Lake Special Protection Area (Site Code: 04009) c.180 meters from the site boundary
- Lady's Island Lake Special Area of Conservation (Site Code: 00704) c. 180 meters from the site boundary.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, comprising the retention and completion of a garden studio 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. If the Board have concerns with the proposed development the applicant asks the Board to considered revised drawings which have been submitted with the appeal.

6.1.2. The main grounds of appeal can be summarised as follows:

- The proposed stone cladding finish to the studio would help the structure be absorbed visually into the landscape.
- The glass and steel of the conservatory are both elements visible as part of the structures in rural areas.
- The applicant is agreeable to remove the conservatory if required.

- The roof tiles are to be dark in colour.
- The materials proposed do not warrant a refusal for planning permission.
- In comparison to the shed that was on the site the additional floor area proposed is minimal.
- The development would represent a modest structure within the area.
- The development would be hardly visible within the landscape due to existing hedgerow and proposed tree planting.
- The proposed re-use of the shed for a studio is reasonable.
- As the studio is unlikely to be visible in the wider landscape including from the coast, there is no realistic cause for concern regarding landscape or visual impacts.
- The development does not pose a significant or potential threat to coastal habitats or features and is not contrary to policy CZM16.
- Given the distance from the coast the proposed development would not be visible from the coast and would not be contrary to policy to CZM17.
- The development would have no negative impact on the coastal area but would benefit a member of the coastal community.
- The development can be absorbed by the coastal and lowland landscapes, including by the area of Lady's Island Lake. The design of the development is sensitive to its located and is heavily screened.
- The studio would not cause any discernible visual impacts on the surrounding area and forms part of an existing settlement.
- The proposed studio is and will remain in single ownership and use.
- The studio represents the best option for the applicant's need for an artist studio.

6.2. Planning Authority Response

None received.

6.3. Observations

None received.

7.0 Assessment

7.1. I note that the Council considered this proposal, under the Wexford County Development Plan 2013-2019. This plan has been replaced by the Wexford County Development Plan 2022-2028. I will assess the development having regard to the provisions of the current development plan.

7.2. Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Impact on Landscape Character.
- Proposed Use
- Wastewater Treatment
- Appropriate Assessment

7.3. Impact on Landscape Character.

7.3.1. The appeal site is located in an area that is identified in Map No.7.1 of the Volume 7 of the current development plan as both a Coastal Landscape Character Unit and as Lady's Island Lake Distinctive Landscape Unit.

7.3.2. The development plan states that Coastal and Distinctive Landscapes have a High Sensitivity and that development proposed in these areas must be shown not to impinge in any significant way upon their character, integrity or uniformity.

7.3.3. I agree with the applicant that the development will not be visible from the eastern coastline. However, the Coastal Landscape Character Unit includes the coastal lagoon of Lady's Island which, as stated above is also a Distinctive Landscape Unit. I therefore consider that the impact of the development on this highly sensitive landscape needs to be carefully considered.

- 7.3.4. At the time of site inspection, the conservatory element of the studio was clearly visible from the Lady's Island. While I recognise that the dwellings along this stretch of road are visible from Lady's Island, they are set further back from the lagoons shoreline and are partially screened by landscape and vegetation.
- 7.3.5. I note the presence of an agricultural shed in close proximity to the studio. This has dark roof cladding and when viewed from the island assimilates into the surrounding landscape.
- 7.3.6. I considered that the conservatory is residential in nature and represents an incongruous element in this highly sensitive landscape. The applicant states that conservatory would be cleaned of its white paint such that the structure would appear as glass and steel only. I consider that the structure would still appear incongruous in this sensitive landscape.
- 7.3.7. The site plan submitted with the application details proposed tree planting to match the existing hedgerow to the south comprising of Austrian Pine and Silver Poplar. I consider that these non-native trees would not prevent the conservatory from impinging on the character of the of the designated landscape.
- 7.3.8. The applicant has submitted revised plans showing the proposed studio with the conservatory omitted and low A-framed pitch roof. The overall floor plate of the proposed structure is the same as the previous shed on the site. The elevations are to be rendered to match the existing house, the roof is to be finished in slate roof tiles and the windows are to grey powder coated aluminium.
- 7.3.9. I consider that the studio as shown in the revised drawings would not impinge in any significant way upon the character, integrity or uniformity of the Lady's Island Distinctive Landscape especially when viewed from Lady's Island. If the Board is minded to grant permission, I recommend a condition be attached requiring the studio be completed in accordance with the revised drawings submitted with the appeal.

7.4. Proposed Use

- 7.4.1. The applicant has stated in the planning application and appeal that the proposed use of the structure is as an artist's studio for the applicant wife's hobby. The applicant

states that the use of the existing shed for a studio without a toilet and tea facilities is an issue as the main dwelling is 129m away.

7.4.2. While the use of the proposed studio was not included as a reason for refusal, I note the Planning Officer raised concerns relating to the potential use of the studio. The planning report states that as the studio will have a full bathroom and kitchen and is adjacent to a gateway, it could be used as a separate dwelling. The development description in the planning application is for a garden studio and therefore I will assess the development as such. If the Board is minded to grant permission, I recommend a condition be attached restricting the studio for uses ancillary to the enjoyment of the main dwelling only and preventing the studio being sold, let, or otherwise transferred or conveyed, save as part of the main dwelling.

7.4.3. I understand from the information on file and google imagery that there was previously a shed on the footprint of the studio to be retained and completed. I consider that the replacement of the existing shed with a studio on this large residential site is acceptable in principle.

7.5. Wastewater Treatment

I note that an assessment of the Wastewater treatment was not included in the planner's report. The studio contains a bathroom and small kitchen. The applicant proposes to connect the studio to a packaged foul water pump which will connect to the existing septic tank. I note that the foul water pump will be over 100m from the septic tank. As the studio is for use by the occupants of the main house, I consider that there will be no significant additional loading on the wastewater treatment and disposal system. I also note that the report of the Senior Executive Scientist on the planning authority history file ref. 20201182 states that during a site inspection no visual signs of malfunction of the septic tank and percolation were observed.

7.6. Appropriate Assessment

Having regard to the nature and limited scale of the development to be retained and completed and the lack of a significant 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 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 provisions of the Wexford County Development Plan 2022-2028, to the location of the site in an area identified as a Coastal and Distinctive Landscape Character Unit and to the nature and scale of the development to be retained and completed, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be retained and completed in accordance with the particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 30 th day of September 2022, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity.
2.	The studio/store shall be for uses ancillary to the enjoyment of the main dwelling only and shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.

	Reason: To restrict the use of the studio in the interest of residential amenity.
3.	Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health.

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

Peter Nelson
Planning Inspector

22nd March 2023