



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314762-22

<b>Development</b>	Retention Permission of unauthorised structures including garden room with a canopy and open-sided shed and associated site works.
<b>Location</b>	Townparks, Mullenstown, Ardee, Co Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	22/580
<b>Applicant</b>	Ruta Klevinske.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Refusal of Retention Permission.
<b>Type of Appeal</b>	First Party v Refusal of Permission of Retention
<b>Appellant</b>	Ruta Klevinske.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	6 <sup>th</sup> April 2023.
<b>Inspector</b>	Enda Duignan

## **1.0 Site Location and Description**

- 1.1. The address of the appeal site is Townparks, Mullenstown, Ardee, Co Louth. The site is located on the south-western side of Golflinks Road, c. 1.3km to the north-west of the centre of Ardee. The site comprises a detached dormer style dwelling which is located within northern portion of the site. The site is served by an existing vehicular entrance at the eastern end of the site's roadside boundary. Car parking is provided within the dwelling's front setback and an area of amenity space is located to the rear. There is a single storey shed, garage and garden room located to the side and rear of the dwelling, adjacent to the site's eastern (side) boundary. The site has a stated area of c. 0.26ha.
- 1.2. In terms of the site surrounds, the site is bound to the east and west by detached dwellings. There is a linear pattern of development to the north of the appeal site on the opposite side of Golflinks Road. The lands to the south of the appeal site appear to be in agricultural use.

## **2.0 Proposed Development**

- 2.1. The proposed development seeks retention permission for the following works:
- The construction of single storey, open sided shed to the side and rear of the existing dwelling. The shed has a stated area of c. 84sq.m. with a maximum ridge height of c. 3m.
  - A garden room within the rear amenity space with deck, partially enclosed by an existing canopy. The existing garden room includes a sauna and has a stated area of 31sq.m. The building has a flat roof form with a maximum height of 2.6m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority refused retention permission for the development proposal for the following 4 no. reasons:
1. Section 13.8.37 in Chapter 13 of the Louth County Development Plan 2021-2027 relates to the provision of domestic garages and outbuildings within the curtilage of residential properties normally for storage and needs that are

incidental to the dwelling on site. The 'garden room' built does not provide functional or conventional storage accommodation incidental to the dwelling on site and the Planning Authority is not satisfied that this structure constitutes an outbuilding or a garden room. Its design, internal layout and fittings are that of a self-contained dwelling unit. As such the development is inconsistent with section 13.8.37 of the Development Management Guidelines contained in the Louth County Development Plan 2021-2027.

The development would set an undesirable precedent for other similar inappropriate developments in the area and as such, the proposal would be contrary to the proper planning and sustainable development of the area.

2. In the absence of a Site Characterisation Report, the applicant has failed to demonstrate to the satisfaction of the Planning Authority that the capacity Population Equivalent (PE) of the existing on-site wastewater treatment system and percolation area is adequate to accommodate the potential occupancy of the development to be retained, in compliance with the EPA Code of Practice, 2021. Accordingly, in its current form, the development is contrary to policy objective IU 18 of the Louth County Development Plan 2021-2027, prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
  
3. The applicant has failed to demonstrate that the existing surface water disposal arrangements on the site are in compliance with policy objective IU 19 of the Louth County Development Plan 2021-2027, which requires that all development proposals shall be accompanied by comprehensive SuDS assessment including run-off quantity, run-off quality and impacts on habitat and water quality. In the absence of a suitably designed surface water proposal the Planning Authority cannot be certain that the surface water discharge is capable of being managed on site and is in accordance with the sustainable urban drainage systems principles, and hence the development would be contrary to policy objective U19 of the Louth County Development Plan 2021-2027 and the proper planning and sustainable development of the area.

4. The policy (Domestic Garages and Outbuildings) of the Louth County Development Plan 2021-2027, states that the purpose of garages and outbuildings within the curtilage of residential properties is normally for storage and needs that are incidental to the dwelling on site and that any garage is proportionate to the existing property so that it will integrate into the local environment. It is considered that the proposed open sided shed is unduly large (84sq.m.), not proportionate with the existing dwelling on site and excessive to meet the storage needs of the dwelling on site when taken in conjunction with the existing garage on site and thus cannot be considered compliant with the policy of the plan and would set an undesirable precedent for other similar inappropriate developments in the area and to permit such development would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Louth County Council Planning Report form the basis for the decision. The report provides a description of the site and the subject proposal, it sets out the planning policy that is relevant to the development proposal and provides a summary of the site's planning history.

In terms of the Planning Authority's assessment, the open sided shed was considered to be unduly large, not proportionate with the existing dwelling on site and excessive to meet the applicant's domestic storage needs when taken in conjunction with the existing garage on site. The proposal was considered to be contrary to the policy of the County Development Plan and would set an undesirable precedent for other similar inappropriate development in the area.

In terms of the garden room to be retained, the Planning Authority noted that the interior layout of the existing building is essentially a self-contained residential unit. The layout provides a living room, kitchen, bathroom, bedroom and sauna area and does not provide functional or conventional storage accommodation incidental to the

dwelling on site. The proposal was therefore considered to be inconsistent with the policy provisions of the County Development Plan.

In terms of wastewater treatment, it was noted that the Applicant had failed to demonstrate that the capacity of the existing on-site wastewater treatment system and percolation area is adequate to accommodate the potential occupancy of the garden room. Concerns were also highlighted that the proposal was not accompanied by a comprehensive SuDS assessment. A refusal of retention permission was therefore recommended for 4 no. reasons.

### 3.2.2. Other Technical Reports

Infrastructure: Report received recommending a request for further information in terms of surface water drainage proposals.

Environment: Report received recommending a request for further information in relation to the capacity of the existing wastewater treatment system.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

### 4.1. Appeal site.

**18/860**: Planning permission granted by the Planning Authority in October 2018 for the construction of a one storey garage to rear of the existing dwelling and associated site works.

**03/1824**: Planning permission granted by the Planning Authority in December 2003 for the construction of a dormer dwelling house and waste water treatment system.

**03/818:** Planning permission refused by the Planning Authority in June 2003 for the construction of a dormer style dwelling house and wastewater treatment system.

#### **4.2. Enforcement History.**

**22 U089:** The Planning Report indicates that an enforcement file is opened in relation to the unauthorised structures on site and a Warning Letter has been issued.

### **5.0 Policy Context**

#### **5.1. Louth County Development Plan (CDP), 2021-2027.**

Under the Louth County Development Plan (CDP), 2021-2027, the site is located proximate to the settlement boundary of Ardee (Self-Sustaining Growth Town), within a rural area of the County (Rural Category 1). Under Map 3.2 of the current CDP, the site is located within Rural Policy Zone 2 land, i.e. an 'Area Under Strong Urban influence'.

The Planning Authority refer to Section 13.8.36 (Family Flat / Independent Living Unit) of the Plan which they considered to be relevant to the consideration of the application. The policy defines a family flat or independent living unit a separate unit of living accommodation on the site of an existing dwelling unit used to accommodate an immediate family member of the main household on the site. The construction of an extension or conversion of part of an existing house or garage/outbuilding to a family flat or independent living unit, shall comply with the following requirements:

- Rationale – The need for the development must be clearly set out.
- Scale – The family flat shall be ancillary to the main dwelling and shall be modest in size and scale with a floor space that shall generally not exceed 50m<sup>2</sup>.
- Integration – If attached to the main dwelling an internal link shall be provided.
- Ownership – It shall not be sold or let as an independent unit and shall remain in the same ownership as the main dwelling on the site.
- Access – It shall not have a separate vehicular access.
- Services – If the property is served by an individual onsite wastewater treatment system this system must have the capacity to accommodate any additional loading in accordance with the requirements of the EPA Code of Practice:

Domestic Waste Water Treatment Systems (p.e. ≤10) (2021). This may result in the requirement for existing on-site systems to be upgraded to the current standards.

Given the location of the appeal site outside a designated settlement, Section 13.9 (Housing in the Open Countryside) of the Plan is applicable to the development proposal. Section 13.9.10 (Garages and Outbuildings) of the Plan highlights the purpose of garages and outbuildings within the curtilage of residential properties is normally for storage and needs that are incidental to the dwelling on site.

Garages will normally be positioned to the side or rear of the dwelling and will be designed and finished in materials that match the dwelling. The design and scale of any garage shall be proportionate to the dwelling.

Outbuildings that will have a use incidental to the dwelling will be considered on a case-by-case basis and will be dependent on the location, the nature of the use and the design and scale of the building.

Other relevant policies of the Plan include:

- **IU 18:** To require that private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).
- **IU 19:** To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.'

## **5.2. Natural Heritage Designations**

- 5.2.1. The nearest designated site is the Stabannan-Braganstown SPA (Site Code: 004091) c. 6km to the north-east of the site.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the nature and scale the development to be retained, there is no real likelihood of significant effects on the environment arising from the development to be retained. 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**

A First Party planning appeal has been prepared and submitted on behalf of the Applicant. The grounds of appeal can be summarised as follows:

- In terms of the existing 'garden room', it is confirmed that it comprises of a converted mobile home clad in stained timber panels. It is stated that the electric sauna occupies the former sleeping quarters, and the kitchen and bathroom units remain in situ but are disconnected. It is also stated that furnishings have been removed from the forward living area and located to the side of the sauna unit is a patio area comprising of loose stone paving slabs, atop a concrete base. The submission notes that the applicant is originally from Lithuania where the use of a sauna is a component of their cultural identity and plays an important role in the family's everyday life. It is stated that the mobile home was installed on site c. 2018 and incrementally converted to a sauna as a DIY project for recreational use during the COVID lockdown. The external timber cladding and canopy roof were later added in 2020.
- Whilst the appeal site is located in an area peripheral to the Ardee settlement boundary, it is nevertheless located within a well-established residential area. The unauthorised structures are physically and functionally ancillary and incidental to the main residential use of the appeal site. It is stated that the first refusal reason fails to recognise and therefore consider that the structure's sole purpose as a sauna and an external seating area which are uses that are incidental to the main residential use of the appeal site. It is contended that the proposal is therefore compliant with section 13.8.37 of the County Development Plan.



- It is stated that it is difficult to understand after the Planning Authority inspected the appeal site and the structures interior as to how the County Planner could reach such a conclusion that the 'garden room' is a self-contained dwelling. It is stated that an inspection of the interior will clearly establish that the former mobile home is not in a habitable condition. The structure is clearly in no condition to be used to accommodate house guests or be used in a commercial rental capacity. The extent of internal conversion works has placed the structure beyond any reasonable description of a self-contained dwelling. The former bedroom area now accommodates the electrical sauna and the kitchen and bathroom remain in situ, but are not plumbed for water or drainage and are therefore inoperable. The living area has also been stripped of its furnishings thereby eliminating its original function.
- In order to assuage any further potential concerns, the Applicant is amenable to a condition of permission that prohibits the use of the garden room as residential accommodation in any form and restricts its use to purposes incidental to the main dwelling. The Applicant is also amenable to the removal of the kitchen and bathroom units if considered necessary and appropriate by the Board.
- It is stated that the external timber cladding is not out of context with the finishes and the general appearance of the subservient sheds, garden pods or other garden room type structures that are prevalent through innumerable domestic gardens. It is stated that the 'garden room' and patio area are not physically disproportionate or visually invasive and the 'garden room' is located at the rear of the site, out of sight from public view and the surrounding countryside by virtue of tall hedging, the main dwelling, approved garage and the unauthorised shed.
- In terms of Refusal Reason 2, without the benefit of a site inspection of the garden rooms interior, it is not unreasonable for the Planning Authority's environmental compliance section to have assumed, albeit incorrectly, that the former mobile home was habitable, in use and/or connected to the site's existing wastewater treatment system.
- As the garden room is not connected to the onsite wastewater treatment system, any presumptive objection the Planning Authority may cite as to its

impact upon the existing systems Population Equivalent (PE) capacity is not applicable nor is the requirement that this aspect of the development show compliance with the relevant EPA Code of Practice. It is stated that there is absolutely no basis to the Planning Authority's suggestion that the development is prejudicial to public health as is the need for a Site Characterisation Report. The Planning Authority's conclusion that the development would be contrary to the proper planning and sustainable development of the area is incorrect and without merit.

- In terms of Refusal Reason 3, both the open sided shed and former mobile home are sited on pre-existing hard surfaces. The appeal site's existing surface water drainage system is fully compliant with BRE 365 Soakaway Design and is more than capable and suitable for a residential property such as this. Instead of surface water draining off the hard surfaces into the system approved with the main dwelling, it now falls on the roofs of either structure. In the case of the open sided shed, the majority of the precipitation falling on the shallow sloping roof drains eastwards into the adjoining field. In the case of the garden room, precipitation falling on the canopy roof drains directly to ground in the adjoining lawned area. It is the Applicant's contention that an objective and reasonable assessment of the physical characteristics of the appeal site and subject structures does not justify the Planning Authority's third reason for refusal.
- In terms of Refusal Reason 4, it is stated that the County Development Plan does not place a maximum limit on the amount of storage that is acceptable for a residential property. It is stated that the Planning Authority's justification for refusing the open sided shed on these grounds can be dismissed as subjective and unsound. The approved garage which the open sided shed is attached to is used as a kennel for the Applicant's dogs, gym equipment and to provide secure storage of valuables vehicles including boats and motorcycles. As the open side shed is performing a different function from the approved garage, it is not excessive to the Applicant's storage needs but is, in fact meeting those needs. It is stated that the open sided shed is both physically and visually subservient to the main dwelling and to the approved garage to which it is connected.

- The shed is much lower than the adjoining garage and dwelling and is of a scale and general appearance that is not out of place in a rural setting nor is it unusual for rural dwellings to have multiple garages, sheds and outbuildings as evidenced by several of the adjoining properties in the surrounding area. The Applicant is also satisfied that the open sided shed successfully integrates into its surrounding setting and the applicant is satisfied that the development does not materially or detrimentally impact the existing visual character, setting or intrinsic value of the surrounding rural area. It is stated that the appeal site's substantial front boundary treatment screens the majority of the open sided shed from the public road. The existing ground level differences and the intervening garage and dwelling also visually obscure the 'garden room' structure located within the rear amenity space. The applicant is satisfied that both structures successfully integrate into the local environment and are subservient to the overall scale, proportions and dimensions of the approved main dwelling and adjoining garage.

## **6.2. Planning Authority Response**

In response to the first party appeal dated 25<sup>th</sup> October 2022, the Planning Authority confirms its decision and has no further comment to make.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None.

## **7.0 Assessment**

The main issues to be considered are those raised in the First Party's grounds of appeal, the Planning Report and the consequent reasons for refusal and I am satisfied

that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development & Policy
- Wastewater Treatment & Drainage
- Residential & Visual Amenity
- Appropriate Assessment

## **7.1. Principle of Development & Policy**

7.1.1. I note that the site is located within a rural area, outside the established settlement boundary of Ardee. The proposal comprises two distinct elements, namely the retention of a garden room with a deck and an open sided storage shed, all of which are located to the side and rear of the existing dwelling. In terms of the existing garden room, the Planning Authority raised concerns within their assessment that the proposal does not provide functional or conventional storage accommodation incidental to the dwelling on site and is more akin to a self-contained dwelling unit, given its design, internal layout and fittings. Within their assessment of the application, the Planning Authority specifically refer to Section 13.8.37 of the current CDP which provides policy guidance for domestic garages and outbuildings. The policy notes that it is important that any garage is proportionate to the existing property so that it will integrate into the local environment and the Planning Authority will not normally grant planning permission for a garage or outbuilding of a design or scale that is not in proportion or in keeping with the existing dwelling. The policy also states that any application for such a development would require a clear rationale setting out the reasons for the development, the intended use of the garage/building, and how it would integrate into the local environment.

7.1.2. Notwithstanding the concerns raised by the Planning Authority, I again note that the appeal site is located within a rural area, and I therefore consider the policy contained within Section 13.9 (Housing in the Open Countryside) to be relevant to the consideration of this appeal. Namely, Section 13.9.10 (Garages and Outbuildings) of the CDP notes that 'outbuildings that will have a use incidental to the dwelling will be considered on a case-by-case basis and will be dependent on the location, the nature of the use and the design and scale of the building'. A clear distinction can be made

between urban and rural areas, and I would contend that a greater degree of flexibility could be applied to proposals for garages and outbuildings in rural areas, where the character and size of the site may allow for a greater degree of development. This may explain why the current CDP has different policies for garages and outbuildings depending on their location. In more confined urban areas, there is a likely a greater need to control developments of this nature given the potential for undue impacts. In this instance, the garden room is located within the south-eastern (rear) corner of the site and is not visible from the public road given the topography of the site and by virtue of the existing boundary screening. From my observations of the site and the internal layout of the structure, I would not agree with the Planning Authority's contention that the structure is more akin to a self-contained dwelling unit. It was evident that the structure is solely in use as a sauna. Whilst there are additional rooms within the structure, it was evident that they were not in use as habitable accommodation and the toilet was not functioning. The structure has a total floor area of c. 31sq.m. with a height of c. 2.6m. Given the location of the outbuilding within the site's south-eastern (rear) corner and the overall size of the site, I consider the proposal to be in accordance with Section 13.9.10 of the current CDP. I am satisfied that the use of the outbuilding (i.e. sauna) is incidental to the existing dwelling on site and I am therefore satisfied that the principle of the development to be retained is acceptable in this instance. I recommend the inclusion of a condition which would restrict the use of the garden room to non-habitable accommodation which is directly associated with the use of the existing house on the site for such purposes. Subject to compliance with this condition, I consider the development to be retained to be in accordance with the proper planning and sustainable development of the area.

- 7.1.3. Permission is also sought to retain the existing open sided storage shed. This structure is located to the side of the existing dwelling and to the immediate north-east of the existing garage. The shed has an area of c. 87sq.m. and a mono-pitch roof with a maximum height of c. 3m. The Planning Authority raised concerns with respect to overall scale of the shed which was considered to be unduly large and excessive to meet the storage needs of the dwelling on site when taken in conjunction with the existing garage. Within their grounds of appeal, it is stated that the approved garage which the open sided shed is attached to is used as a kennel for the Applicant's dogs,

gym equipment and to provide secure storage of valuables and vehicles including boats and motorcycles. As the open side shed is performing a different function from the approved garage, it was contended that it is not excessive to the Applicant's storage needs but is, in fact meeting those needs. It was also highlighted that the open sided shed is both physically and visually subservient to the main dwelling and to the approved garage to which it is connected. When inspecting the appeal site, it was evident that the shed was being utilised for the storage of firewood and other materials. I again note that Section 13.9.10 indicates that the purpose of garages and outbuildings within the curtilage of residential properties is normally for storage and needs that are incidental to the dwelling on site. Given the size of the appeal site, its location in a rural area and the current use of the shed, I am satisfied that the proposal is in compliance with the pertinent policy of the current CDP and its retention is therefore acceptable in this instance.

## **7.2. Wastewater Treatment & Drainage**

- 7.2.1. In terms of wastewater treatment, the Planning Authority noted that in the absence of a Site Characterisation Report, the Applicant has failed to demonstrate that the capacity Population Equivalent (PE) of the existing on-site wastewater treatment system and percolation area is adequate to accommodate the potential occupancy of the development to be retained given the garden room contains an additional bedroom and toilet. The proposal was therefore considered to be contrary to policy objective IU 18 of the current CDP which seeks 'To require that private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent  $\leq 10$  (2021).' Within their grounds of appeal, the appellant has indicated that the garden room is not in habitable use nor is it connected to the site's existing wastewater treatment system. I confirmed this to be the case upon my inspection of the site. I observed there to be no running water in the kitchen unit and the toilet was disconnected, with the room being utilised for storage purposes. I note that the 'bedroom' had also been converted to a sauna. In this regard, I am satisfied that the development to be retained is not prejudicial to public health as it is currently not placing an additional load on the existing wastewater treatment system. However, as the submitted plans clearly identify toilet and kitchen facilities, I

recommend the inclusion of a condition requiring the facilities to be removed from the 'garden room' within 3 months of a final grant of permission.

- 7.2.2. The Planning Authority also considered the proposal to be contrary to Policy Objective IU 19 of the current CDP as the proposal was not accompanied by a comprehensive SuDS assessment. A soakaway in accordance with BRE 365 has been identified on the submitted Site Layout Plan which is to be located within the rear garden of the dwelling. Although a comprehensive SuDS assessment has not accompanied the application, I note the overall size of the site which could readily accommodate suitable SuDS proposals. I therefore recommend the inclusion of a condition requiring the Applicant to submit SuDS measures and a comprehensive SuDS assessment to be submitted to the Planning Authority for written agreement within 3 months of the final grant of retention permission. Subject to compliance with this condition, I am satisfied that the development to be retained is in accordance with the proper planning and sustainable development of the area.

### **7.3. Residential & Visual Amenity**

- 7.3.1. Within their assessment of the planning application, the Planning Authority was satisfied that the proposal would not impact negatively upon the residential amenity of any dwelling in the area in terms of a potential overbearing impact or overshadowing. Given the overall scale of the structures, their sighting relative to properties within the vicinity and the overall size and characteristics of the appeal site, I'm also satisfied that the proposal is acceptable having regard to the residential amenity of the surrounding area.
- 7.3.2. In terms of the visual impact of the proposal, I note that the submitted elevations indicate that the walls of the open sided shed have a rendered finish. When inspecting the appeal site, it was evident that this was not the case and render had not been applied to the exterior of the structure, with the exposed blockwork being partially visible from the public road. This results in an unsightly appearance which detracts from the overall visual amenity of the area. I therefore recommend the inclusion of a condition requiring the elevations of the open side shed to be rendered and painted to match the existing dwelling on site, within 3 months of the final grant of retention

permission. Subject to compliance with this condition, I am satisfied that the development to be retained is acceptable having regard to the visual amenity of the surrounding area.

#### **7.4. Appropriate Assessment**

- 7.4.1. Taking into consideration the modest nature, extent and scope of the development to be retained and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, that no appropriate assessment issues arise and that the development to be retained would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

#### **8.0 Recommendation**

- 8.1. Grant of retention permission is recommended.

#### **9.0 Reasons and Considerations**

- 9.1. Having regard to the nature and extent of the development to be retained, the location of the appeal site within a rural area and to the pattern of development in the area, it is considered that the development to be retained, subject to compliance with the conditions set out below, would be in accordance with Section 13.9.1 (Garages and Outbuildings) of the Louth County Development Plan 2021-2027, would not be prejudicial to public health, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **10.0 Conditions**

1.	The development to be retained shall comply with the plans and particulars lodged with the application submitted, 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 and the development shall be completed in accordance with the agreed particulars. In default of
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	<p>agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The use of the 'garden room' shall not be utilised for human habitation and shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes. The structure shall not be subdivided from the existing house, either by way of sale or letting or otherwise and shall not be used for the carrying out of any trade or business. The toilet and kitchen facilities shall be removed from the 'garden room' within 3 months of a final grant of permission.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>The elevations of the open sided storage shed shall be rendered and painted to match the existing dwelling on site within 3 months of the final grant of permission.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of which (comprehensive SuDS assessment and SuDS measures), shall be submitted to the planning authority for written agreement within 3 months of the final grant of retention permission. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority</p>

	<p>and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

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Enda Duignan  
Planning Inspector

19/04/2023