



An
Bord
Pleanála

Inspector's Report ABP314815-22

Development	The erection of a shed type structure for use as a personal gym
Location	Robin's Rest, The Red Road, Ballygahan Lower, Avoca, Co Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22/817
Applicant(s)	Philip and Caroline Rice
Type of Application	Permission
Planning Authority Decision	Refused
Type of Appeal	First
Appellant(s)	Philip and Caroline Rice
Observer(s)	None
Date of Site Inspection	16 th June 2023
Inspector	Louise Medland

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1.0 Site Location and Description

- 1.1. The site is located at Robin's Rest, The Red Road, Ballygahan Lower, Avoca, Co Wicklow, approximately 1.3km north west of the level 4 town Avoca. The site location boundary extends to include the curtilage of the existing dwelling and associated garden and a 'builder's yard (as described by the agent) to the west. It is within this 'builder's yard that the proposed gym is to be located.
- 1.2. The site is bounded by existing walls approximately 2.2m in height along the western, southern and eastern boundaries. The northern boundary is defined by wooden gate which provide a separate vehicular access to the yard. A pedestrian access along the eastern boundary links to the adjacent dwellinghouse curtilage. The site is relatively level throughout and when inspected does not appear to be in use with the presence of scrap materials evident.
- 1.3. The site is surrounded by agricultural land to the south and east which rises up from the site. To the west is an existing dwelling and access which sit at an elevated level above the proposal site. I noted a car mechanics to the west and a bus depot to the north.

2.0 Proposed Development

- 2.1. The proposal seeks permission for the erection of a shed type structure for use as a personal gym. The building is to be 10.7m wide, 11.8m long with a ridge height of 5.6m from existing ground level with a footprint of 126.26m². The proposed internal floor space extends to 115.82m².
- 2.2. The building is to be of block construction finished in render with timber clad 'barn style' doors for gym equipment access and a pedestrian access door inset. The roof is to be pitched and finished in roof tiles to match the existing dwelling with three roof lights proposed on the southern pitch. One window is proposed on the eastern elevation.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 15th September 2022 Wicklow County Council issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- Having regard to the
 - a) Size and scale of the proposed development,
 - b) The lack of satisfactory justification for a gym of this size and scale and,
 - c) The pattern of surrounding development in the area.

3.1.2 It is considered that the proposed shed would be over and above the needs of the proposed dwelling and could not be considered ancillary to the main dwelling. To allow the structure would set an undesirable precedent for similar large-scale development in the absence of a genuine need and would be contrary to the amenities of the area and the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Report forms the basis for the decision. The report provides a description of the site and subject proposal, it sets out the planning history of the site and surrounds, summaries the observation on the planning file and sets out the policy that is relevant to the development proposal.

3.2.2. Other Technical Reports

- Municipal District Office – No comment – Roads and Drainage
- Environmental Health – No objection

4.0 Planning History

- PA Ref. 103024 – Retention – Storage yard with existing entrance. Retention of storage of prefab site office and steel containers. Permission for erection of 1.8m high timber hit and miss fencing to South and West boundaries and site ancillary works – Granted subject to conditions 12.04.2011
- PA Ref. 09/458 - storage yard and 2.20m high boundary wall to adjoining property. 2. Retention of existing entrance to yard. Retention of 3 no steel containers and prefab site office. Permission for erection of 1.80m high palisade fencing to south and west boundaries – Granted subject to conditions 05.06.2009
- PA Ref. 09179 - storage yard and 2.20m high boundary wall to adjoining property. Retention of existing entrance to yard. Retention of 1.80m high palisade fencing to south and west boundaries. Retention of 3 no steel containers and prefab site office and site ancillary – Incomplete application
- PA Ref. 211543 – The erection of a shed structure (175m²) for use as a personal gym – Refused 16.02.2022

5.0 Policy and Context

5.1. Development Plan

5.2. Wicklow Development Plan 2022 – 2028

- Area of High Amenity: The South East Mountain Lowlands
- Level 10: The Rural Area (open countryside)
- Development and Design Standards Appendix 1

5.3. Natural Heritage Designations

5.4. There are no designated natural heritage sites in the vicinity. However, I note the site lies approximately 1.7km **northwest** of a proposed natural heritage area: Avoca River Valley.

5.5. EIA Screening

5.6. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- An appeal was lodged on behalf of the applicant on 11th October, 2022 in which it is requested that the reason for the decision to refuse permission be overturned and that permission be granted for the grounds summarised below.
- The gym is required to be of the size and scale proposed, as the applicants son is a National champion javelin thrower and a serious prospect for the Olympics;
- The size and the height of the building is necessary due to the type of training undertaken, requires a training area in which he can replicate his run up and throw with a ceiling height of 15 feet;
- Also requires several other specific pieces of equipment unavailable elsewhere in Wicklow – there are no suitable alternative training facilities in the County of Wicklow;
- Desire to assist son to reach his full potential as an athlete;
- Letter of support from Irish Athletics;
- Similar large shed developments in the area. Permission granted for a bus depot with a barn x10 larger than the size of our requirement 50 yards away;
- Mechanics workshop with a shed similar size to our their requirement;
- Empty concrete yard on the grounds of their property and feel the yard is an acceptable area for our proposed domestic gym. The yard is empty, unappealing, unattractive and non-functional. Anxious to use the space in the most aesthetically acceptable way;

- Family of 8 who are all fitness fanatics. Two members of the family train specifically to compete in the world cross fit games;
- Proposal would not be perceived as residential development and would like to make it aesthetically pleasing;
- Flexible in term of design and finishes to make it acceptable as a non-residential structure that could be potentially moved in the future;
- Can only be seen by one neighbour who has no objection to the proposal;
- Proposed gym reduced in size from previous application PA Ref. 211543
- Attracted to the house due to the yard and the potential to erect a structure for the gym for our sons use.

6.2. Planning Authority Response

- None

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Justification for size and scale of the proposed gym at this location

7.2. I note the previous use and planning history for the yard in which the gym is proposed to be located was a commercial use for the storage of farm and contracting materials. I note no planning history for a change of use of the builders yard to facilitate an

extension to the domestic curtilage. Nevertheless, I will confine myself to the proposal before me as part of this appeal.

- 7.3. The need for a gym structure of this size is justified by the appellants need to assist in their son's sporting career. The appellants supporting statement refers to a family of eight fitness fanatics with two members who compete in the World Cross Fit games. The appellants state a height of 15ft (4.6m) is required for their son's training. Whilst this has been stated no evidence has been provided to support this claim.
- 7.4. The lack of a gym of this scale at this location, I do not believe would be to the detriment of the families sporting goals, given the successes to date without such a facility.
- 7.5. The proposed gym building would be akin to the size and scale of a dwellinghouse with a footprint of 126m² and could not be deemed to be of an ancillary scale. The existing dwelling house extends to approximately 350m² with an existing garage of 26.38m². I also noted an additional shed adjacent to the existing garage and a garden room in the rear garden.
- 7.6. I am not persuaded by the appellants case that the scale of the gym proposed is justified at this location. I believe a modest scale domestic gym could be accommodate within either the existing dwelling and associated garage and shed or within the curtilage of the dwellinghouse. I conclude that the justification by the appellant for a domestic gym of this size and scale is unfounded, and points a) and b) of the Council's refusal reason is sustained.
- 7.7. The site is located within an Area of High Amenity. Whilst the appellants deemed the yard to be unappealing, unattractive and unfunctional, the empty yard is inoffensive and less intrusive within the landscape in comparison to the scale of building proposed to be located on it.
- 7.8. Reference is made to other large sheds in the area, however no specific address details, planning references or the policy context which they have been considered under have been provided.
- 7.9. The permitting of a large shed for use as a personal gym would be out of keeping with the pattern of development in the area. To allow a building of the proposed scale and massing would set an undesirable precedent in this rural area and area of high amenity value.

7.10. **Appropriate Assessment Screening**

7.11. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 **Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for all elements of the development for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

- The excessive size and scale of the proposed shed structure to provide a home gym and would not be ancillary to the existing dwellinghouse and nor has sufficient justification been provided that would override the relevant development plan, policies and material considerations to permit a development of this scale at this location.
- The proposal is out of keeping with the pattern of development in the area and if permitted would result in the setting of an undesirable precedent for similar scale developments without the demonstration of genuine need.

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 judgment in an improper or inappropriate way.

Louise Medland
Planning Inspector

18th July 2023