



An  
Bord  
Pleanála

**Inspector's Report**  
**ABP315325-22**

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| <b>Development</b>                  | Retention of an extension to an existing domestic garage for use as storage, home office and gym. |
| <b>Location</b>                     | 1 Kenlis Crescent, Kells, Co Meath  |
| <b>Planning Authority</b>           | Meath County Council  |
| <b>Planning Authority Reg. Ref.</b> | 22688   |
| <b>Applicant(s)</b>                 | Michael and Deborah Armstrong   |
| <b>Type of Application</b>          | Retention   |
| <b>Planning Authority Decision</b>  | Grant Permission  |
| <b>Type of Appeal</b>               | Third Party v's permission  |
| <b>Appellant(s)</b>                 | Gerry Keating   |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 27 <sup>th</sup> April 2023   |
| <b>Inspector</b>                    | Vanessa Langheld  |

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## 1.0 **Site Location and Description**

- 1.1. The appeal site is located at No. 1 Kenlis Crescent. There is a detached dormer bungalow on the site and a garden building (incorporating a home office, gym and storage) in the back garden (68 sq m).
- 1.2. There is a laneway to the side of No. 1 Kenlis Crescent which provides access to the rear of the adjoining terrace of houses on Headfort Grove, the adjacent house being No. 47 Headfort Grove. (In recent years, Meath County Council erected a gate on the lane to prevent anti-social behaviour.) Access to the side of the appeal site is provided from the laneway and (since the Response to RFI stage) is part of the appeal retention application.
- 1.3. Kenlis Crescent is close to the centre of Kells and is accessible by a laneway to Maudlin Road in the town centre.

## 2.0 **Proposed Development**

- 2.1. Retention is sought for the following:
  - Extension to a garden building (housing an office, a gym and storage).
  - Use of the office part of the building for home based economic activity; and
  - Provision of the pedestrian access to the side of the property from the adjoining laneway.
- 2.2. The Application provided for a new pitched and higher roof; however, that element was subsequently removed from the Application as a response to the Further Information request. The garden building as built is 68 sq m. The original garden building was just over 25 sq m, the difference being 43 sq m. The remaining rear garden area (paved) is 96 sq m.
- 2.3. Retention is sought for the use of the office part of the outdoor building for a Home Based Economic Activity. The Applicant operates a small Counselling Psychology service.

2.4. Retention is sought also for the new pedestrian entrance from the laneway to the side of the house. It is a shared, narrow pedestrian laneway with the houses on Headfort Grove. Whilst permitted in an earlier permission, access to the rear of the appeal property cannot be achieved via the sides of the frontal house as they are too narrow as built.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission was granted by Meath County Council subject to standard Conditions.

#### 3.2. **Planning Authority Reports**

#### 3.3. **Planning Reports**

3.4. Further Information was requested to assess the proposal adequately, in particular with regard to the accuracy of the drawings and screening of the site. Further information was requested as follows:

- Details regarding the exact nature of the office use was sought.
- Details regarding access to the site.
- Details of the extension to the garage.
- Quantum of parking available.
- To address the Third Party concerns.

3.5. The Planner's Report considered that the response to the Further Information Request adequately addressed the issues raised.

#### 3.6. **Other Technical Reports**

None.

#### 3.7. **Third Party Observations**

3.8. Three were received from neighbours on both sides of the appeal site regarding: the building of garden building (office/storage and gym) without planning permission; the proposed raising of the height / its effect on the adjoining neighbouring properties (no longer part of the application); and the laneway access.

#### 4.0 **Planning History**

- Warning Letter UD/22107/107 – resulting in this retention application.
- KA/190123 – permission to extend the existing bungalow to the rear and to convert the single style dwelling to a dormer style dwelling.

#### 5.0 **Policy and Context**

##### 5.1. **Development Plan**

5.2. The site is within an area zoned R (residential) within the Meath County Development Plan 2021-2027. Objective 11.5.26 refers to Home Based Economic Activity and relates to small scale business activity carried out by persons of the house and subordinate to its use as a dwelling. The Plan does not set out restrictions in terms of hours of operation for Home Based Economic Activities. The Council supports this type of activity providing it is subordinate to the main use of the house and the use has no adverse impact on the amenities of the neighbouring dwellings.

##### 5.3. **Natural Heritage Designations**

None in the vicinity.

##### 5.4. **EIA Screening**

Not applicable for this application.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.2. The appeal is summarised as follows:

- The hours of business are significantly more than indicated by the Applicant. The Counselling service operates over 5 days with evening appointments.
- The pedestrian access for which retention is now sought was not highlighted as part of the retention application until after the Further Information was received. It was never permitted, and this access to the rear of the site was first opened on a temporary basis during the construction of the extension to the main house. The Appellant states that it was always planned to be reinstated after construction was completed.
- The laneway is for access to the rear of houses on Headfort Terrace. Meath County Council recently erected gates further down the lane to the rear to prevent anti-social behaviour in the laneway to the side and behind the houses on Headfort Terrace. The retention of a new access to No. 1 Kenlis Crescent does not support this plan.
- The business clients should access the property through the front of the appeal property. There is a sensor light, which lights up the laneway when the side of the appeal property is being used.
- The extension of the garden building to accommodate an office, gym and storage area is out of character with the area as it is much larger in scale than other such back garden developments. It is acknowledged that the Applicants no longer intend to increase the height of garden building and this is appreciated.

- The Appellant states that parking places are limited in the area and raises concern about the office giving rise to increased parking demand.

### 6.3. **Applicants' Response**

6.4. The Applicants response to the appeal is:

- The main issue seems to be the side laneway access and new roof profile and not the retention of the extension to the garden building.
- The Applicant is happy to change the pedestrian gate so that it opens inwards.
- The laneway is owned by Meath County Council, and they have granted planning permission.
- The new entrance may actually improve safety as it may deter anyone from hanging around the lane causing a nuisance.
- The light is operated by switch, not sensor, and might actually deter anti-social behaviour.
- The pedestrian gate provides access to the garden building (office, storage and gym), and the paved back garden and is the only way to bring bicycles and bins through to the back of the house.

### 6.5. **Planning Authority Response**

6.6. The Planning Authority have reviewed the appeal issues and is satisfied that they have been substantively addressed in the Planning Report. The Board is respectfully asked to uphold the decision to Grant Permission subject to Condition.

### 6.7. **Observations**

6.8. There were no further observations received.

## 7.0 **Assessment**

7.1. I have read the documentation attached to this file including the Appeal, the report of the Planning Authority and further response received. In addition, I have visited the site. There are three issues which need to be assessed as follows:

- Retention of the extended / enlarged garden building (office, gym and storage).
- Use of part of the outdoor building for Home Based Economic Activity.
- Retention of the new pedestrian access to the side of the appeal property from the laneway adjoining the houses on Headfort Grove.

### 7.2. **Retention of the extended / enlarged garden building (office, gym and storage)**

7.3. This is an application for the retention of an extension to a garden building to the rear of a detached four-bedroom dwelling. The building contains a storage area, an office and gym. The Application also sought to retain the use of the office for Home Based Economic Activity and to retain the pedestrian access to the adjoining laneway.

7.4. The Planning Application Form states that it is 59.89 sq m, while Drawing No. 001 submitted in response to the Further Information Request shows the building as 3.8 m wide by 4.9 m deep therefore a size of 68 sq. m. The difference may be due to gross internal space being measured for the planning application form?

7.5. The remaining garden is adequate in size being 96 sq m. There is also a large front garden and parking for two cars.



7.6. **Use of part of the outdoor building for Home Based Economic Activity**

7.7. The principle of the garden building to include a home office is considered acceptable and is in compliance with the Zoning of the site (Residential). The small office within the garden building complies with the Development Plan Objective to facilitate Home Based Economic Activity as long as it is subordinate to the main dwelling.

7.8. **Retention of the new pedestrian access to the side of the appeal property from the laneway adjoining the houses on Headfort Grove**

7.9. The retention of the new pedestrian access to the side of the property is, in my opinion an important issue to be considered in this appeal. The main issues are as follows:

The office is used for a Home-Based Economic Activity. The Applicant is a counselling psychologist and meets with clients on a one-to-one basis during working hours in the small office. The office is accessed by the pedestrian gate to the side of the site and is approached by a restricted public laneway separating the Applicants' house and the Appellants' house (Mr Gerry Keating, No. 47 Headfort Grove). The pedestrian gate is located facing the side wall of the back garden of Mr Keating's house.

7.10. The side entrance effectively renders the use of the office / gym / storage (68 sq m) of No. 1 Kenlis Crescent as a standalone building with its own access.

7.11. The 2019 drawings for the extension to the main house (No. 1 Kenlis Crescent) show a 1 m wide side passageway on the internal western boundary allowing access to the rear garden / garden building. The Applicants claim that the side passage is no longer wide enough due to the building of an internal wall to the neighbouring property. The lane access will therefore be used to bring bicycles through to the back, bring heating oil to the tanks and provide access for the clients of the home office i.e., a very limited use of the side laneway is envisaged.

- 7.12. The appellants are concerned that the Home Based Economic Activity is difficult to police and there is nothing to prevent a ramping up of activity to the building at any time in the future and that this impacts on their established residential amenity. In this regard, the Development Plan whilst providing for this type of home-based activity states that is appropriate providing it does not adversely impact on the amenities of the neighbouring dwellings.
- 7.13. The Local Authority gated the laneway and the backland areas to Headfort Grove to prevent unsocial behaviour.
- 7.14. In my opinion, access to the garden building might be better retained within the curtilage of the Applicants' own home and this would ensure that the Home Based Economic Activity remained ancillary to the primary use of the residence.
- 7.15. Because of the location of the pedestrian access adjoining the neighbouring house and back garden, depending on the amount of activity there could be a negative impact on the residential amenity of the neighbouring property.
- 7.16. The Applicants state that the use is very limited and doesn't affect the neighbouring house. In order to reconcile these conflicting concerns, I recommend that the pedestrian access be facilitated for a limited time to assess the effect of it on the neighbouring property. In the meantime, I also suggest that the gate open inward so as not to cause an accident in the laneway.
- 7.17. That element of the application can be addressed by Condition attaching to an overall decision to Grant Permission.

## 8.0 **Recommendation**

I recommend a grant of permission for the reasons and considerations and subject to the Conditions set out below.

## 9.0 Reasons and Considerations

Having regard to the zoning objective for the area set out in the Meath County Development Plan 2021-2027 and to the scale of the garden building as constructed, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities, established character or appearance of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 13/10/2022 day 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 b Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of clarity.</p> |
| 2. | <p>The home office / gym and storage building shall be used solely for that purpose shown on the plans and ancillary to the main dwelling only. It shall not be sold or rented separately to the main house.</p> <p><b>Reason:</b> To protect the amenities of property in the vicinity and in order to comply with the Objectives of the current Development Plan for the area.</p>  |
| 3. | <p>The pedestrian access to the laneway is granted for a period of three years from the date of this grant and at which time permission shall cease unless a further permission has been granted before the expiry of</p>   |

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|    | <p>that date. The gate should also be changed to open inward within a period of three months of this grant of retention permission.</p> <p><b>Reason:</b> In the interest of proper planning and development of the area, and so that the effect of this element of the development may be reviewed having regard to the circumstances then prevailing.</p>  |
| 4. | <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, as amended. The contribution shall be agreed with paid prior to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, 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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Vanessa Langheld  
Planning Inspector

8 May 2023