



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315441-22

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<b>Development</b>	Change of use of garden shed to domestic garage
<b>Location</b>	1 Chapel Street , Lismore , Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	22877
<b>Applicant(s)</b>	John & Claire Cooper
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Waterford City & County Council
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	John & Claire Cooper
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> June 2023
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.065ha is located within the town of Lismore at an end of terrace cottage style dwelling. St Cartheges cemetery is located to the immediate south of the site. The site fronts onto a local primary road within the 50kmph speed limit. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1. Permission is sought for the change of use from existing attached gable shed (12.35sqm) with existing standard door access to public street, to garage space with enlarged off-street access to accommodate off-street parking of private vehicle with internal private EV charging point.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Waterford City and County Council issued a notification decision to refuse permission for the following single reason.

*Traffic movements caused by the restricted nature of the site adjoining a local primary road situated proximate to the entrance to Lis an Oir housing estate would introduce road and pedestrian safety issues at this location due to access and egress arrangements arising from the proposed development. The proposed development would therefore create potential for traffic hazard and as such would be contrary to the proper planning and sustainable development of the area.*

- 3.1.2. **NOTE:** The Chief Executives Order, available to view on the appeal file, did not include the text for the reason for refusal. I referred to the online application (Reg Ref 22/877) available to view on the Local Authority planning website. The text of the reason for refusal was not available to view with the Chief Executive Order here either. I have printed off the Notification of Decision to Refuse planning permission issued to the

applicants and extracted the reason for refusal for same. This is available to view in the pouch accompanying this report together with site photos. Prior to making its decision, the Board may wish to request a complete copy of the Chief Executives Order.

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

#### 3.2.1. Planning Reports

- **Case Planner** – The **Executive Planner** recommended that permission be refused. The recommendation was supported by the **Senior Executive Planner**. The notification decision to refuse planning permission issued by Waterford City and County Council reflects this recommendation.

#### 3.2.2. Other Technical Reports

- None

3.2.3. **NOTE:** Reference is made to the internal referral response from Roads (25/11/2022) in the Case Planners report. This report has not been made available with the appeal file and is not available to view on the Local Authority planning website. Prior to making its decision, the Board may wish to request a copy of this report from WCC.

### 3.3. **Prescribed Bodies**

- None

### 3.4. **Third Party Observations**

3.4.1. There is one observation recorded on the planning file from Michael Cullinan (Parish Priest). Concerns raised that the gable end of the shed is actually the cemetery wall in the ownership of the Parochial cemetery and that the wall may be compromised as a result of the proposed development.

## 4.0 **Planning History**

4.1. There is no evidence of any previous planning appeal at this location. No planning history has been made available with the appeal file.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Waterford City and County Development Plan 2022 – 2028**.

### 5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site

### 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. 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

The first party appeal has been prepared and submitted by the applicants and may be summarised as follows:

#### 6.1.1. *Traffic Safety Aspects*

- Any traffic movements generated by the proposed off-street garage would involve just one vehicle and would be very infrequent.
- While Chapel Street may well be 'a local primary road' (L1106 as in the Planner's Report and the Recommendation), it is located within the 50km/h speed limit zone and fits the definition of 'Link Streets' (DMURS). It is not a major arterial route into or out of Lismore. Chapel Street / L1106 extends beyond Lismore into the open countryside where it can be more accurately described as a road and not a street.
- Chapel Street provides access to adjacent link streets - Hospital Lane, Chapel Place-and to the arterial streets of West Street and Main Street. These latter two

streets carry the bulk of traffic flows through Lismore, east-west, as opposed to north-south along Chapel Street, and it is West Street and Main Street that could more properly be described as a 'primary road', with both linking into the N72.

#### **6.1.2. Access & Egress factors on Chapel Street**

- The appeal site is currently the only property on Chapel Street with the potential for an off-street garage space, so naturally the potential for similar applications for development would not arise. The decision made in our case would have to be applied to any possible future development of the Fire Station site for the same reason given for our refusal in order to maintain consistency of proper planning and sustainable development of the area.

#### **6.1.3. Planner's Report - Assessment**

- It is confirmed that the internal floor measurements shown on Drawing No. 3 submitted with the application are correct, i.e., 2.45m front, 2.2m rear, 5.7m depth.
- The Assessment correctly notes that there is a slight kink in the southern boundary wall, from where the floor space narrows to 2.2m at the rear. Now that we are aware from the Assessment that DM standards for perpendicular carparking spaces recommend 2.5m x5.0, our perpendicular space measures 2.45m × 5.0m, a difference of 0.25m. This difference is negligible, and we question whether this is sufficient to warrant applying DM standards to a proposed private parking area.
- The principal concern in the Assessment appears to be in relation to turning movements associated with the proposal. There is ongoing turning movements of delivery vehicles ongoing at this location, with no hazards arising. There is absolutely no possibility of a car extending onto the public footpath given the restricted nature of the parking space.

#### **6.2. Planning Authority Response**

None

#### **6.3. Observations**

None

## 6.4. Further Responses

None

## 7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Safety
- Other Issues
- Appropriate Assessment

### 7.2. Principle

7.2.1. Having regard to the location of the site within the development envelop of Lismore site I am satisfied that the principle of a change of use of garden shed to domestic garage is acceptable subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

### 7.3. Traffic Safety

7.3.1. Permission is sought for Change of use from existing attached gable shed with existing standard door access to public street, to garage space with enlarged off-street access to accommodate off-street parking of private vehicle with internal private EV charging point. A roller shutter door is proposed in lieu of the existing single door. WCCC refused planning permission as the traffic movements caused by the restricted nature of the site adjoining a local primary road situated proximate to the entrance to Lis an Oir housing estate would create potential for traffic hazard.

7.3.2. There are double yellow lines on both sides of this stretch of Chapel Street whereby on street car parking is not possible. The existing garden shed is limited in size and narrows considerably to the rear. Any car, even if it could park within the proposed



garage given its restricted size and configuration, would have to either back into or out of the space resulting in somewhat blind manoeuvres onto the public road.

7.3.3. It was evident on day of site inspection that visibility from the proposed new entrance would be severely restricted in both directions without encroaching on to the public road whether a car was driving straight out or reversing out onto the public road. Taken together with the access junction for Lisan Oir residential estate directly opposite, such manoeuvres in the absence of adequate visibility splays would interfere with the safety and free flow of traffic and pedestrian movements along Chapel Road

7.3.4. I agree with the Case Planner that the motivation regarding the proposal is noted (to facilitate EV charging point), however, the site is simply too restricted to safely accommodate a vehicle without resulting in traffic hazard. Refusal is recommended.

#### 7.4. **Other Issues**

**Development Contributions** – I refer to the Waterford City and County Council Development Contribution Scheme 2023-2029 (adopted 9<sup>th</sup> February 2023). Section 8 Exemptions of the scheme states that *domestic extensions and domestic garages/sheds (i.e. non-commercial use)*, shall be exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is **not attached**.

#### 7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development comprising a rear residential extension and its distance 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.

### 8.0 **Recommendation**

8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my

assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason.

## 9.0 **Reasons and Considerations**

1. It is considered that to permit a change of use of the existing garden shed that is restricted in area to domestic garage with vehicular entrance onto this section of Chapel Street would be unacceptable as the additional traffic turning movements and reversing of vehicles onto Chapel Street the development would generate would endanger public safety by reason of traffic hazard and obstruction of road users and pedestrians. The development would therefore be contrary to the proper planning and sustainable development of the area.

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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**Mary Crowley**

**Senior Planning Inspector**

**11<sup>th</sup> June 2023**