



An  
Bord  
Pleanála

## Inspector's Report ABP315711-23

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<b>Development</b>	Retention and construction of shed.
<b>Location</b>	Lisduff, Clonlara, County Clare.
<b>Planning Authority</b>	Clare County Council.
<b>Planning Authority Reg. Ref.</b>	221061.
<b>Applicant</b>	Richard Smith.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of permission.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Richard Smith.
<b>Observers</b>	Lavinia O'Shea. John Moloney
<b>Date of Site Inspection</b>	15 <sup>th</sup> June 2023.
<b>Inspector</b>	Derek Daly.

## **1.0 Site Location and Description**

1.1. The development is located in the townland of Lisduff approximately 3 kilometres to the east of the village of Clonlara in the south east of County Clare. On the appeal site is single storey dwelling. The northern and western boundaries of the site front onto local roads and the remaining boundaries to the south and east open lands. There are a number of single dwellings located in the area with a dwelling approximately 35 metres to the east of the site and another group of dwellings westward of the local road/laneway which defines the appeal site's western boundary. The appeal site does not have a common boundary with any other existing dwelling. The site has a stated area of 0.21 hectares. The southern roadside boundary onto which the site has a vehicular access and the eastern boundaries are defined by a concrete post fence and the western and southern boundaries by mature vegetation and hedgerows. There is a partially completed shed structure located in the southeastern corner of the site.

## **2.0 Proposed Development**

2.1. The development as applied for is the retention and construction of a shed with a stated floor area of 111.48m<sup>2</sup> which is located in the southeastern corner of the site. The structure is partially completed and is a frame type structure 9.14 metres in width and 12.19 metres in depth with an A type low pitch roof with an estimated height to eaves height of approximately 3500 mm and to ridge height of 4300mm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision of the Planning Authority was to grant refuse planning permission. One reason was stated which refers to the existing pattern of development in the area, the height, bulk, scale and massing of the shed, the limited screening available to the front of the proposal site and views of the site from the road to the north and west and that the development would constitute an obtrusive feature in the landscape and be seriously injurious to the visual amenities of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planning report dated the 23<sup>rd</sup> January 2023 in the assessment identify the main issues as principle of the development, that it was partially constructed and in full view of the road and concern is expressed in relation to the scale of the shed relative to the existing dwelling on the site. Concern is also indicated in relation to visual amenities and impact on residential amenities of surrounding residents. Refusal was recommended.

## **4.0 Planning History**

P.A. Ref. Nos. 21-1319 and 21-117. The site was the subject of two incomplete applications both of which were for the construction of a shed for domestic purposes.

P.A. Ref. Nos. 22-29 A dwelling house was refused planning permission on the adjoining site to the east.

## **5.0 Policy and Context**

### **5.1. Development Plan**

The statutory development plan is the Clare County Development Plan 2023-2029. The site is located in a Rural Area Under Strong Urban Pressure but there is no specific provisions of the plan which apply specifically to the development.

### **5.2. Natural Heritage Designations**

None relevant

### **5.3. EIA Screening**

5.4. 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

The main grounds of appeal can be summarised as follows:

- The building which is a domestic shed is located in a secluded rural area and is to be finished to a high standard which will bring a more aesthetic view to the site when finished rather than the dishevelled view of the site as present.
- The shed will be finished in juniper green or slate grey profile sheeting which will blend the structure into its surroundings.
- The shed is placed as far as possible from the riad and laneway bordering the site.
- The shed is lower in height than the dwelling on the site.
- The shed is 52 metres from the road and 20 metres from the rear of the dwelling and can only be seen for 10 metres from the west side of the road to the front of the site.
- There are two sheds on the lane at the western side of the site which are of a grater size and there are numerous agricultural and private sheds on the local road which are larger and more visible than the proposed shed.
- The shed is for storage of a boat and for garden equipment and other domestic items.
- Reference is made to the purchase of the property in 2019.
- It is the intention to plant hedgerow other than where there is existing established trees and vegetation along the boundary of the site.
- Photographs of the site and examples of sheds in the area are submitted in support of the grounds of appeal.

## 6.2. **Planning Authority Response**

The planning authority in a response considers the matters are addressed in the Planner's Report which formed part of the decision and requests the Board uphold the decision.

## 6.3. **Observations**

6.3.1. The observer submission of Lavinia O'Shea can be summarised as follows;

- The owner of the site is deceased and the applicant does not consent to submit the application.
- Deficiencies in relation to the drawings submitted are outlined in relation to measurements and specifications.
- The shed is larger than the maximum permitted for a garden shed.
- The photographs submitted of other sheds are for agricultural shed and are not relevant to this development.
- The area of the shed as submitted 111.48m<sup>2</sup> is very different to the areas of shed which have been permitted by the planning authority and stated in the observation which are in the range of 24.45m<sup>2</sup> and 38.5m<sup>2</sup>.
- The planning authority has not verified the accuracy of the stated measurements.

6.3.2. The observer submission of John Moloney can be summarised as follows;

- The applicant has built a steel shed and erected a fence on his property without permission owner and does not own the land.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the planning authority's reason for refusal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The reason stated in the planning authority's decision for refusal

- Appropriate Assessment

## 7.2. The reason stated in the planning authority's decision for refusal.

- 7.2.1. The reason for refusal as stated refers to the existing pattern of development in the area, the height, bulk, scale and massing of the shed, the limited screening available to the front of the proposal site and views of the site from the road to the north and west and that the development would constitute an obtrusive feature in the landscape and be seriously injurious to the visual amenities of the area. The planning authority expressed concern in relation to the proposal as constructed is in full view of the road and concern is expressed in relation to the scale of the shed relative to the existing dwelling on the site. Concern is also indicated in relation to visual amenities and impact on residential amenities of surrounding residents.
- 7.2.2. The grounds of appeal in relation to the issue of visual impact refer to the location of the shed its distance from the public road to the north and laneway to the west, that the dwelling largely screens the shed when viewed from the road except for a small section of the road frontage at the eastern section of road frontage and is not visible from the laneway to the west. It is also stated that additional screening is proposed which will address concerns outlined. The grounds of appeal also indicated that the use of the shed is for storage and uses incidental to the dwellinghouse.
- 7.2.3. In relation to the visibility of the shed, the shed is not readily visible when approached from the eastern due to hedgerows along the road and from the west as it largely screened by the dwelling on the site. It is visible from a small section of the road approximately 10 metres at the northeastern corner of the site but the shed is located approximately 50 metres from the roadside boundary and given the separation distance from the road does not constitute an obtrusive feature in the landscape and it is largely invisible other than the short section of roadside frontage.
- 7.2.4. In relation to the height, bulk, scale and massing of the shed it is larger in scale than sheds generally on residential sites. The observer submission refers to the shed is larger than the maximum permitted for a garden shed but this applies in relation what can be constructed under the Exempted Development provisions within the curtilage of a dwelling and does not preclude consideration of a shed larger in area when planning permission is applied for and which has occurred in relation to this

development. The appellant has indicated the use of the shed for a purpose incidental to the dwelling and not for a commercial use.

7.2.5. The shed is located within a large site in a rural area, is set back over 50 metres from the road, is largely screened from view by the existing dwelling and planting along the western boundary and the southern boundary has a mature vegetation backdrop and the appeal site does not immediately adjoin the curtilage of another residential property. Although the floor area of the shed is large the height is approximately 4300mm to ridge height and has a relatively low profile when viewed from the road/north. The development as applied for can be assimilated into its surroundings without impacting on visual and residential amenities of the area in its current circumstances and additional planting along the northern and western boundaries will further screen and assimilate the development. Conditions for landscaping the site and agreement in relation to external finish of the shed would further address this.

7.2.6. In relation to issues of ownership I note the submission of the observer and also the documentation submitted in the application and grounds of appeal. There is nothing to indicate that the applicant/appellant does not have sufficient legal interest in making the application and this matter is a civil matter not to be determined by this appeal.

### 7.3. **Appropriate Assessment Screening**

7.4. 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 EIA at an initial stage.

## 8.0 **Recommendation**

8.1. I recommend that permission be granted.

## 9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, its location at the rear of the site and not in proximity to the public road network, its location and relationship to existing residential development including the dwelling on the site, it is considered that the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Within two months of the date of this order the applicant shall submit to and agree with the planning authority pay to the planning authority a landscaping scheme in relation to the site.</p> <p>This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing;</p> <p>(i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping,</p>



	<p>(ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>(b) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interests of visual amenity</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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Derek Daly  
 Planning Inspector  
 21<sup>st</sup> June 2023