



An
Bord
Pleanála

Inspector's Report

ABP-315735-23

Development	Construction of a new garage to rear of dwelling
Location	Kennastown (Cannistown), Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	221524
Applicant(s)	Gillian and Mark Shannon
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	David Keating
Observer(s)	None
Date of Site Inspection	14 th June 2023
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located in Kennastown which lies approximately 3.5km south of Navan town centre in a rural area which has been developed for housing in a ribbon development format. The appeal site is located at the junction of the L4009 (Ardsallagh Road) and another unnamed third class road and is located in close proximity to a school.
- 1.2. The house at the appeal site is a dormer bungalow (semi-detached) accessed off the L4009 while the appellant's house to the north is a two storey dwelling. It is proposed to construct a double garage in the NW corner of the rear garden of this house which currently does not have a garage. The boundary with the appellant in this case lies along the northern boundary of the appeal site and is defined by a timber fence on a concrete foundation.
- 1.3. During the site visit on 14th June 2023 access to the rear garden area was not possible but access to the appellant's rear garden area was possible.

2.0 Proposed Development

- 2.1. The development will consist of the construction of a double garage with a footprint of 6m x 8m with a ridge height of 4.45m. The GFS of the proposed garage is stated to be 47m². The garage is located in the NW corner of the rear garden near the boundary fence with the appellant's property to the north of the appeal site.
- 2.2. The proposed garage is to be constructed of corrugated sheeting on a steel frame with a metal roller shutter door and a pedestrian entrance on the south elevation.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted on 13th January 2023 subject to 3 no. conditions which relate to compliance with the plans and particulars submitted with the planning application, the design and finish of the garage and a condition limiting the use of the structure to a garage incidental to the enjoyment of

the use of the dwelling. Use of the structure for human habitation, commercial use, industrial use or anything other than use as a domestic garage is not permitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report notes the Rural Area zoning of the site and the acceptability in principle for the proposed works. The Planner then cites the relevant Development Plan provisions (see Paragraph 5.0 of this Inspector's Report). The Planner's Report notes that the proposed garage is set back 75m from the public road and that there is a fall in the level of the ground moving from east to west on the site which should mitigate any concerns about the height of the proposed garage having an adverse visual impact or any impact on the sunlight currently enjoyed by neighbouring properties.

The Planner's Report notes that neither AA nor EIA is required in respect of the proposed development.

3.2.2. Other Technical Reports

None on file.

3.2.3. Prescribed Bodies

None on file.

3.2.4. Observations

Two submissions were made during the five week period regarding the same issues that form the grounds of the current Third Party appeal.

4.0 **Planning History**

4.1. On the Appeal Site

No planning history is recorded on the appeal site.

4.2. In the Vicinity of the Site

No planning history on similar developments in the vicinity of the appeal site.

5.0 Policy and Context

5.1. Development Plan

Meath County Development Plan 2021-2027 is the statutory plan for the area within which the appeal site is situated and set down below are the relevant Development Plan policies and objectives in relation to this appeal.

The site is zoned RA Rural Areas Objective: To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.

Guidance

The primary objective is to protect and promote the value and future sustainability of rural areas. Agriculture, forestry, tourism and rural related resource enterprises will be employed for the benefit of the local and wider population. A balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted.

Domestic garages are not specifically referenced in the 'Permitted Uses' in RA zoned areas but 'Residential (Subject to compliance with the Rural Settlement Strategy)' does fall into this category. As the proposed garage is ancillary to the dwelling on site, I believe it falls within the same 'Permitted Uses' category as the house.

5.2. Natural Heritage Designations

Natural heritage designations located within a 15km zone of the appeal site include the following:

- Mount Hevey Bog SAC(002342).
- River Boyne and River Blackwater SAC (002299).
- River Boyne and River Blackwater SPA (004232).
- The Long Derries, Edenderry SAC (000925).
- Rye Water Valley/Carton SAC (001398).

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. 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. The grounds of the Third Party appeal are, in summary, as follows:

- The proposed corrugated sheeting is out of place in a residential area.
- The design of the shed and the roller shutter door do not look like a domestic garage but rather an industrial unit.
- The size, scale and height of the proposed structure are out of place in a residential area and will have an adverse impact on the existing character of the area.
- The 4.5m high structure will block evening sunlight to the appellant's kitchen area and back garden with consequent adverse impacts on the wellbeing of the appellant's family.
- The proposed structure would spoil the appellant's view from the rear facing windows of the house.
- Neither the finished floor levels nor the sightlines available at the entrance were investigated during the processing of this planning application.
- A BRE neighbouring properties report was not included as part of the application for the proposed garage.

6.2. Applicant Response

The grounds of the First Party response prepared by Enda Shiels & Associates are, in summary, as follows:

- The finish materials on the proposed domestic garage are in common usage in the area and the structure will be used as the garage serving the dwelling on site and for no other purpose.
- A roller shutter door is a common feature in domestic garages and this particularly suits the applicants who drive a people carrier.
- The finished floor level of the proposed garage is 1.2m below the finished floor level of the applicant's house which in turn is approximately the same level as the appellant's house and approximately 16m distant from the appellant's house. In addition, the appellant's garden is approximately 0.6m higher than the applicant's rear garden area level where the proposed garage is to be located.
- There is not possible, given the lower levels and the distance from the appellant's house that the proposed structure can block any sunlight currently reaching the appellant's house.
- The style of the proposed garage is a common typology in rural areas and does not represent an adverse impact on the visual amenity of the area.
- The garage will be served by the same access that currently serves the dwelling on site and there will be no rise in traffic levels so the issue of the availability of entrance sightlines does not arise.

6.3. The Planning Authority state that all issues raised by the appellant were also raised during the five week period and regard was had to these issues when a grant of permission was issued by Meath County Council.

6.4. Observations

None received.

6.5. Further Responses

Not applicable.

7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The proposed development, a garage to serve an existing dwelling, is considered, having regard to the ancillary nature of the proposed structure, acceptable in principle.

The main issues, therefore, are as follows:

- Impact on residential and visual amenity.
- Other issues.
- AA Screening.

7.1. Impact on Residential and Visual Amenity

7.1.1. The appellant states that the proposed development would have an adverse impact on the residential and visual amenity by virtue of loss of sunlight, the design of the proposed garage being out of character in this residential area and also loss of view due to the proposed scale and height of the proposed garage.

7.1.2. The issue of loss of sunlight is, in my opinion, without substance in reality. Having inspected the site and having regard to the differences in levels between the properties, the 4.5m ridgeline height of the proposed structure and the distance to the appellant's house (approximately 17m), I do not believe that any perceptible loss of sunlight will occur due to the presence of the proposed garage. There may be some overshadowing of the rear garden area of the appellant's property but not to an extent that would diminish its amenity value in any measurable or meaningful way.

7.1.3. Regarding the visual impact potential of the proposed garage, while the corrugated finishing material are not to everybody's taste, I do not find that any significant adverse visual impact would arise due to the location, scale, massing, height or finish of the proposed garage. I have drafted a condition below recommending that the finish of the structure be agreed prior to the commencement of development with the Planning Authority.

7.1.4. The proposed structure should have a minimal visual impact on the character of the area given the 75m setback from the public road and the lower ground level where the garage is proposed to be located in relation to the level of the public road.

7.1.5. The view from the appellant's property is not designated as one for protection in the Development Plan and therefore, regardless of the perceived loss of view, there is no statutory right to same in this instance.

7.1.6. The proposed garage is solely for uses incidental to the dwelling on site and a condition regarding the restriction of any other uses has been drafted should the Board be minded to grant permission in this instance.

7.1.7. I conclude therefore that the proposed development would not seriously injure the residential amenity of adjoining property or the visual amenity of the area and that the garage as proposed is in accordance with the proper planning and sustainable development of the area.

7.2. Other Issues

7.2.1. The issue of sightlines at the entrance to the appeal site is without substance given that it currently serves the vehicular traffic generated by the dwelling on site and no increase in traffic is anticipated.

7.2.2. A BRE neighbouring properties report was not included as part of the application for the proposed garage and, in my opinion, was not required given the separation distance between the appellant's house and the proposed garage and the differences in level between the two sites with the appeal site being lower than the appellant's.

7.3. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the fact that there are no European sites in the vicinity of the appeal 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

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan 2021-2027, including the zoning objective for the site ('RA - Rural Areas Objective), which seeks to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity. 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 on 6th September 2022 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>Reason: In the interest of clarity.</p>
2.	<p>The garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.</p> <p>Reason: In the interests of residential amenity.</p>

3.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

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.

Bernard Dee
Planning Inspector

20th June 2023