



An
Bord
Pleanála

Inspector's Report ABP-316451-23

Development	Planning permission for the retention of a domestic garage and extension to the rear of the dwelling and permission to construct an extension to the side of the dwelling house and all associated services.		
Location	Ballylara, Labane, Ardrahan, County Galway.		
Planning Authority Ref.	2360072		
Applicant(s)	Mike Hynes.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party	Appellant	Mike Hynes.
Observer(s)	None		
Date of Site Inspection	14/02/24	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

1.1 The appeal site is located in the rural townland of Ballylara, which is located approximately 0.5 kilometres west of the rural village of Labane. The site is accessed from a cul-de-sac road, the L85903 which in turn is accessed from the R458, a regional route linking the settlements of Ardrahan to the north with Gort to the south. The site is accessed from a cul-de-sac road, the L85903 which in turn is accessed from the R458, a regional route linking the settlements of Ardrahan with Gort. Site levels within the appeal site are consistent with those of the adjoining

public road. The appeal site comprises a traditional two storey hipped roof dwelling within a site area of 0.67 hectares. The domestic garage sought to be retained is located within the north-western section of the appeal site. To the rear of the dwelling is a single storey extension which is sought to be retained under these proposals.

1.2 The appeal site boundaries comprise a one-metre-tall stone wall boundary located along the roadside (southern) site boundary and post and rail timber boundaries along the rear and side site boundaries. There are a number of mature deciduous trees located to the west of the dwelling within the appeal site boundary.

2.0 Proposed development.

Planning permission is sought for the retention of a metal clad domestic garage with a stated floor area of 40 square metres (sq. m.); to retain a rear extension to the dwelling comprising a sitting room and kitchen with a stated floor area of 49.8 sq. m. and for permission to construct an extension to the side of the dwelling comprising an ensuite bedroom with a stated floor area of 40.3 sq. m.

3.0 PA's Decision:

A single reason for refusal was set out by the Planning Authority as follows: Having regard to the failure of the applicant to demonstrate satisfactory evidence in relation to the planning status of the existing development on site including existing entrance, alterations to dwelling, wastewater disposal system, in conjunction with the proposals to hereby augment and further intensify the said entity, the Planning Authority considers that the proposed development would, if permitted as proposed, perpetuate and intensify existing unauthorised development on site, would give rise to traffic safety concerns and would be prejudicial to public health and contrary to Policy Objectives NHB 1 and NHB3 of the Galway County Development Plan 2022-2028. Accordingly, to grant the development as proposed would, therefore, be contrary to the principles of the proper planning and sustainable development of the area.

4.0 Planning History

Planning Authority reference numbers 22/61078, in March 2023, Mike Hynes was refused planning permission for the construction of a domestic extension to the side of the dwelling. The reason for refusal related to unsatisfactory evidence of the planning status of existing development on the site.

Planning Authority reference number 06/2702, in 2006, Martin Kirton was granted planning permission for the construction of a two-storey rear extension, raising the ridge height of the dwelling, new internal layout, new façade treatment, roadside parking bay, a new front boundary wall, wastewater treatment system and percolation area, double garage and associated site works. This planning permission was never implemented.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway County Development Plan 2022 -2028 was adopted by the Planning Authority on 9th May 2022 and came into effect on the 20th day of June 2022. It has regard to national and regional policies in respect of domestic extensions and natural heritage. Chapters 4, 10 and 15 of the Plan refer.

Relevant policies objectives include:

Policy Objective RD 3 Assimilation of Buildings

To ensure that all buildings are appropriately sited and sympathetic to their surroundings in terms of scale, design, materials, and colour. The grouping of buildings will be encouraged in the interests of visual amenity. In general, the removal of hedgerows to accommodate agricultural buildings will not be permitted.

Policy Objective NHB 1: Natural Heritage and Biodiversity of Designated Sites, Habitats and Species

Protect and where possible enhance the natural heritage sites designated under EU Legislation and National Legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife

Acts) and extend to any additions or alterations to sites that may occur during the lifetime of this plan.

Protect and where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI 94 of 1999).

Support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas, Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network.

Policy Objective NHB 3: Protection of European Sites

No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).

DM Standard 4: House extensions (Urban and Rural)

Proposed extensions shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing.

- reflect the window proportions, detailing and finishes, texture, materials, and colour unless a high quality contemporary and innovatively designed extension is proposed.
- not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact; and
- carefully consider site coverage to avoid unacceptable loss of private open space.

Policy Objective RH 9 Rural Design Guidelines.

DM Standard 6: Domestic Garages (Urban and Rural)

- The design, form and materials should be ancillary to, and consistent with the main dwelling on site.
- Structures may be detached or connected to the dwelling but should be visually subservient in terms of size, scale, and bulk.
- Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use, or habitable space in the absence of prior planning consent for such use.

5.2 Natural Heritage Designations

The closest designated European Sites are the Ballinduff Turlough SAC (site code 002295) which is located approximately 2.2 kilometres south of the appeal site boundary and the Ardahan Grassland SAC (site code 002244) which is located approximately 2.2 metres north of the appeal site,

6.0 The Appeal

6.1 First Party Appeal.

- A revised entrance location permitted under the 2006 planning permission was never implemented. The existing domestic entrance is the one that always existed to access the dwelling, since the 1930's when the dwelling was originally constructed.
- A two-storey extension to the rear of the dwelling and a garage structure were previously permitted by the Planning Authority on the appeal site.
- The appeal site accesses onto a cul-de-sac road with only one other dwelling located further along the road.
- It is unfair to refuse permission on the grounds that the development would be contrary to the principles of the proper planning and sustainable development of the area given the retention application is seeking to achieve compliance with the proper planning and sustainable development as part of the current proposals.
- The existing dwelling is modest in scale with three small upstairs bedrooms. The side extension would future proof the dwelling for the applicants in terms of providing an accessible downstairs bedroom and ensuite bathroom. This proposal would not be contrary to the principles of proper planning and sustainable development.
- The policy objectives set out within the current Galway Development Plan 2022-28 provide for people to modify their dwellings in terms of accessibility.
- The applicants request that the decision to refuse planning permission by the Planning Authority be overturned.

6.2 P.A. Response

- None.

7.0 EIA Screening - Having regard to the nature of the domestic development and its location removed from any sensitive locations or features, there is no real

likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - The subject site is located approximately 2.2 kilometres north of the Ballinduff Turlough SAC (site code 002295) and approximately 2.2 kilometres south of the Ardahan Grassland SAC (site code 002244). Having regard to the scale and nature of the domestic structures sought to be retained and the modest extent of the proposed domestic extension and to the location of the appeal site removed from any European Sites, with no surface water hydrological or ecological connectivity between the appeal site and any European site, it is considered that no Appropriate Assessment issues arise. The development would not be likely to have a significant effect individually, or in combination with other plans or projects on a European site.

2.0 Assessment

2.1 Introduction

2.1.1 The key issues in this appeal are those raised in the reason for refusal and in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be addressed under the following headings:

- Principle of development
- Design and Layout
- Other Matters

2.2 Principle of Development

2.2.1 The applicant is seeking planning permission for the retention of a domestic garage structure with a stated floor area of 40 square metres (sq. m.), a single storey domestic extension to the rear of the dwelling with a floor area of 49.8 sq. m. and a proposed single

storey bedroom extension to the side of the dwelling with a floor area of 40 sq. m. I consider the scale of the domestic extensions/garage to be appropriate within this generous site area.

2.2.2 I note the provisions of policy objective RD3 within the Development Plan which seeks the assimilation of development as part of extension proposals and DM Standard 4 which requires that extensions be subordinate to the main dwelling, that external finishes and fenestration details are consistent with the dwelling and that neighbouring amenities would not be adversely impacted upon.

2.2.3 The domestic extension to the rear of the dwelling is not visually prominent from the public road. The external finishes, fenestration, scale, and design are consistent with those of the dwelling on site and considered to be in accordance with the provisions of policy objective RD3.

2.2.4 DM Standard 6 within the Development Plan sets out standards for domestic garages as follows: The design, form and materials should be ancillary to, and consistent with the main dwelling on site; Structures may be detached or connected to the dwelling but should be visually subservient in terms of size, scale and bulk; Storage facilities should be used solely for purposes, incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use. I consider that the form, scale, and design in this instance of the garage structure is ancillary to the main dwelling. Therefore, the structure is considered to be subservient in terms of size, scale, and bulk to the dwelling on site and would accord with the provisions of DM Standard 6. within the Development Plan and in accordance with the proper planning and sustainable development of the area.

2.2.5 The proposed domestic extension to the side of the dwelling would be single storey and comprise a floor area of approximately 40 sq. m. Its scale, height and design are considered appropriate in the context of the dwelling on site. The external finishes and fenestration detailing would be consistent with those of the dwelling on site. I am satisfied that the proposal would accord with the provisions of RD3 in terms of assimilating with the existing built fabric on site. I consider that the form, scale, and design in this instance of the

side extension with be consistent with that of the main dwelling. Therefore, the structure would be considered subservient in terms of size, scale, and bulk to the dwelling on site.

2.2.6 I consider that the scale of the domestic structures sought to be retained, by virtue of their modest scale and its location set back from the public road and behind the rear building line of the dwelling and a number of mature trees integrates appropriately within this generous site area and within this rural setting and would be considered to be subservient to a domestic dwelling.

2.2.7 Policy objective RD 3 pertains to the assimilation of buildings in rural areas. Again, by virtue of the scale and bulk of the structures concerned within the appeal site, I consider that the extensions appropriately assimilated into the local landscape. I note that the appeal site has the benefit of mature tree planting, particularly within the western part of the appeal site which assist in masking the impact of the existing extensions on site.

2.2.8 In conclusion, I consider that the applicant has set out a planning rationale justifying the existing and proposed development, which is supported by the policy objectives as set out in the Development Plan in relation to the scale, size and assimilation of domestic garages and extensions within rural areas in Galway. It is considered that to permit the retention of these structures would be in accordance with policy objective RD3 and Development Management Standards 4 and 6 within the current Development Plan which seek to provide for domestic extensions/garages of appropriate scale and bulk and that are subservient to the domestic dwelling on site and would assimilate appropriately within the local landscape.

2.3 Other Matters

Development Plan Policy Objectives:

2.3.1 The refusal reason as set out by the Planning Authority also references policy objectives NHB 1 and NHB 3. These pertain to the protection and enhancement of European sites. I note the location of the appeal site, located in excess of two kilometres from the nearest European sites. The Planning Authority (PA) acknowledge that there is no hydrological or ecological connectivity between the appeal site and any European site. Despite the

acknowledgement of this fact by the PA, they state that the applicants had submitted insufficient information in relation to disposal of effluent from the development and, therefore, that likely significant effects cannot be excluded. The applicants subsequently submitted a cover letter to the Board explaining the rationale for the domestic extensions including details of the existing septic tank and percolation area on site in relation to its history, operation, and capacity.

2.3.2 I note that the nearest European sites are located in excess of two kilometres from the appeal site. The appeal site is underlain by a regionally important aquifer which has a rating of high to extreme vulnerability. However, I note the current appeal relates to the retention of a domestic garage/shed which does not generate any foul effluent, and neither does the rear domestic extension which provides for an extended living room area. The proposed side extension which provides for an ensuite bedroom would modestly increase the population equivalent (pe) generated on site, from 4 to 6 persons. Table 3.2 of the EPA Code of Practice, 2021 sets out that a three-bedroom dwelling is considered to have a Design PE of 5, a four-bedroom dwelling has a Design PE of 6. Therefore, the design PE would increase by a modest 1PE under the current proposals. The applicants' Consultant Engineer has submitted details of the existing septic tank system on site. has stated that the septic tank and percolation are regularly maintained and in good working order. This was verified during my site inspection, where there was no evidence of malfunction or malodours on site. There was no breakout of the ground nor ponding within the appeal site in the vicinity of the septic tank or percolation area. The Consultant Engineer set out that the septic tank has adequate capacity to cater for the increase as per the details submitted by the applicants' Consultant Engineers.

2.3.3 In conclusion, having regard to the modest extent of the works to be retained and constructed, the separation distance from the nearest European sites, the absence of hydrological or ecological pathways linking the appeal site to any European sites, I am

satisfied that it is unlikely that the development would have a significant impact upon any European sites.

Access and traffic:

2.3.4 I note up a lowly trafficked cul-de-sac. There are only two other dwellings located further west along the cul-de-sac. The applicant has stated that the entrance to the dwelling has existed since the 1930's and that the revised entrance location and domestic extensions as permitted in 2007 were never constructed. I am satisfied that the domestic extensions and garage do/will not generate any significant increase in traffic to/from the appeal site. Therefore, I consider that the existing entrance is satisfactory to serve the existing and proposed development on site.

3.0 Recommendation

3.1 I recommend that planning permission for retention for the domestic garage and rear extension and permission for the extension to side of dwelling be granted subject to the following conditions:

4.0 Reasons and Considerations

4.1 In conclusion, I consider the current proposals would be in compliance with the provisions of specific policy objective RD3 relating to assimilating buildings within rural areas in terms of their design and scale and also DM standards 4 and 6 within the current Galway County Development Plan 2022 relating to appropriate size and scale of domestic extensions/garages. I note the location of the appeal site removed from any of the European sites with no identifiable hydrological nor ecological connectivity to any European site. The objective is to assimilate the development into the local landscape and that an appropriate scale and size of development is permissible. Having regard to the modest scale and bulk of the structures sought to be retained and of the proposed domestic extension, which are considered to be domestic in their form, the modest increase in foul effluent that would be generated by the development and the suitability of the existing established domestic entrance, the Board is satisfied that the structures assimilate with and would be subservient to the dwelling on site. The development would be compliant with Policy Objective RD3

and DM standards 4 and 6 within the Development Plan and would be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

- 1 The development shall be retained and constructed in accordance with the plans and particulars lodged with the application on the 2nd day of February 2023, 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.

Reason: In the interest of clarity.

- 2 The domestic garage shall be used for domestic storage purposes only and shall not be used for human habitation or commercial purposes. The shed shall not be sold, let or other transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the property in the interest of residential amenity.

- 3 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of proper planning and sustainable development.

- 4 The mature trees, walled boundaries and fencing within the appeal site and along the appeal site boundaries shall be maintained in situ.

Reason: In the interest of visual amenity.

- 5 Final details of the surface water management within the appeal site shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of public health.

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.

Fergal Ó Bric

Planning Inspectorate

29th day of March 2024