



An
Bord
Pleanála

Inspector's Report

ABP-317145-23

Development	Retention and completion of domestic shed
Location	Grangeford Old, Bennekerry, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	22350
Applicant(s)	Margaret Moran
Type of Application	Permission and retention permission
Planning Authority Decision	Grant subject to 10 no. conditions
Type of Appeal	Third Party
Appellant(s)	Ann Nolan
Observer(s)	None
Date of Site Inspection	12 th August 2023
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Grangeford Old which lies mid-way between Carlow town and Tullow and is located to the south of the R725. The appeal site is located to the rear of a semi-detached bungalow in the ownership of the applicant and can be accessed via a narrow lane which defines the eastern boundary of the appeal site.
- 1.2. During the site visit on 12th August 2023 it was noted that there is one other shed on site and the partially constructed shed which is the subject of this appeal. The shed is completed to eaves level and the room configuration aligns to the floor plans on file.
- 1.3. The area where the two sheds are located is open to the lane and there is no fencing or boundary along the property line.

2.0 Proposed Development

- 2.1. The development for which permission is sought is the retention of what is so far constructed of a domestic shed and the completion of its construction.
- 2.2. The shed has an approximate footprint measuring 7m x 12.5m with a monopitch roof that is 3.9m high at its highest point. The GFS measures c. 82m² and the plan drawing shows rooms for a gym, an office, a utility room and two drying rooms.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted on 24th April 2023 subject to 10 no. conditions which relate to compliance with the plans and particulars submitted with the planning application, the design and finish of the shed and a condition limiting the use of the structure to a shed incidental to the enjoyment of the use of the dwelling. Access to the shed from the lane to the east is not permitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are three Planner's Reports relating to the original application submission, an assessment of Further Information received and an assessment of Clarification of Further Information received. Collectively and in summary the following items are of note:

- The issue of access to the domestic shed appears to be the key planning issue in this case with confusion regarding how access was to be gained to the shed. Eventually the issue was clarified and it was confirmed that access will not be off the lane to the east (which will be fenced off) but through the applicant's garden area. Condition 2 reflects this requirement.
- A second important issue is the proposed use of the shed which could potentially, given the room configurations, be used as a dwelling. Eventually the issue was clarified and it was confirmed that the shed will be used as gym, office and drying area and not for domestic habitation. Condition 3 reflects this requirement.
- Other issues arising such as visual impact, heritage, drainage, etc did not give rise to any issues or objections from third parties.
- The Planner's Reports note that neither AA nor EIA is required in respect of the proposed development.

3.2.2. Other Technical Reports

- The Environment Section and the Chief Fire Officer had no objection subject to conditions being applied.
- The Municipal District Engineer had grave reservations regarding any access proposed from the site onto the lane to the east due to poor sightline at the junction of the lane with the main road (R725).

3.2.3. Prescribed Bodies

- Irish Water had no objection subject to conditions being applied.

3.2.4. Observations

- There are several observations on file from Ann Nolan who is the Third Party appellant in this case. The nature of these submissions is similar to the grounds of appeal set down in Section 6.0 below.

4.0 **Planning History**

4.1. On the Appeal Site

- One invalid application on site – Ref. 22317 and an enforcement notice Ref. UD. 21/100 in relation to the domestic shed which is the subject of this appeal.

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

Carlow County Development Plan 2022-2028 is the statutory plan for the area within which the appeal site is situated but there are no relevant Development Plan policies and objectives in relation to the type of development to which this appeal relates.

The site is located in zoning objective L - To retain and protect agricultural uses. The purpose of this zoning is to ensure the retention of agricultural uses and protect them from urban sprawl and ribbon development. Uses which are directly associated with agriculture or which would not interfere with this use are open for consideration. This includes limited housing for persons who can demonstrate compliance with the rural housing criteria in Chapter 3, tourism related projects such as tourist caravan parks or campsites and amenity uses such as playing fields, or parks.

Within this zoning objective a dwelling (and by inference a domestic shed) is deemed to be a use that is 'Open for Consideration'.

5.2. **Natural Heritage Designations**

There are no European sites in close proximity to the appeal site.

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 design of the shed indicates that it is intended to convert the shed to a dwelling at some point in the future.
- The narrow lane from which the shed is to be accessed cannot take additional traffic without being a traffic hazard.
- The presence of the shed would have an adverse impact on the privacy of the Third Party.

6.2. Applicant Response

The grounds of the First Party response prepared by Planning and Design Services are, in summary, as follows:

- The shed will not be used as a domestic residence and is intended solely for use as a gym/office/utility/drying room shed.
- Access to the lane is not proposed and the boundary with the lane will be fenced off as part of the planning permission. Instead, the shed will be accessed via the applicant's own property.
- The issue of loss of privacy does not arise as the Third Party's house off the R725 at the junction with the lane cannot be seen from where the shed is located on the opposite side of the lane.

6.3. Planning Authority

The Planning Authority response states that all issues raised by the appellant were addressed in the Planner's Report on file.

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 shed 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:

- Intended use of the shed.
- Traffic hazard.
- Loss of privacy.
- AA Screening.

7.1. Use of Shed

7.1.1. The appellant states that the proposed development could be converted to residential use at a later date given the layout of the rooms.

7.1.2. The layout of the rooms could indeed give rise to a question with regard to the intended use of the shed. Perhaps the terminology 'ancillary house extension' or similar would give a more accurate description of its intended use as the term 'shed' implies a one room basic structure which is not the case in the present instance.

7.1.3. Notwithstanding this issue, the planning authority has assessed this aspect of the application very thoroughly and have imposed a condition (no. 3) restricting the use of the shed to non-residential use only and this use is to be incidental to the enjoyment of the dwelling.

7.1.4. I conclude therefore that the issue of intended use has been settled by the imposition of a restrictive condition.

7.2. Traffic Hazard

7.2.1. The issue of sightlines at the entrance to the lane to the east of the appeal site is indeed a legitimate concern given the poor sightlines, especially to the right. However, it is proposed to access the shed from the applicant's own property and not from the lane and the planning authority have imposed a condition (no. 2) to ensure that a fence bounding the east boundary of the site is erected.

7.2.2. I conclude therefore that the issue of intended use has been settled by the imposition of a restrictive condition.

7.3. Loss of Privacy

7.3.1. Given the location of the Third Party appellant's property in relation to the shed, overlooking is impossible and therefore the claim of loss of privacy is without substance.

7.4. 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 Carlow County Development Plan 2022-2028, including the zoning objective for the site (L - Agriculture), which seeks to retain and protect agricultural uses, 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 nor represent a traffic hazard. 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 12th October 2022 as amended by plans and particulars submitted on 6th January 2023 and 5th April 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The shed 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>The proposed east side boundary fence shall consist of concrete post and timber panels the exact height and location of which 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 and traffic safety.</p>

4.	<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>
5.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<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>
7.	<p>The developer shall pay to the planning authority a financial contribution of 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 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>Reason: 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</p>

	be applied to the permission.
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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.

Bernard Dee
Planning Inspector

15th August 2023