



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317267-23

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|                                     |   |
|-------------------------------------|---|
| <b>Development</b>                  | Timber shed to front garden including all ancillary works |
| <b>Location</b>                     | Creevagh Lodge, Ballinacourty, Lisnagry, Co. Limerick     |
| <b>Planning Authority</b>           | Limerick City and County Council                          |
| <b>Planning Authority Reg. Ref.</b> | 2360155   |
| <b>Applicant(s)</b>                 | Paul O'Brien  |
| <b>Type of Application</b>          | Retention   |
| <b>Planning Authority Decision</b>  | Refusal   |
| <b>Type of Appeal</b>               | First Party   |
| <b>Appellant(s)</b>                 | Paul O'Brien  |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 7 <sup>th</sup> March 2024                                |
| <b>Inspector</b>                    | Ciara McGuinness  |

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Ballinacourty, north of Lisnagry, c.8km east of Limerick City Centre. The site is located on the east side of the L1106 Local Road. The area is rural in nature and is characterised by farmland with a considerable level of one-off houses. The western boundary of the site fronts onto the local road, with existing residential development located to the north and south of the site. An agricultural greenfield adjoins the site to its rear/eastern boundary.
- 1.2. The site has a stated area of 0.130 hectares, is rectangular in shape, and is occupied by a large, detached dwelling house with front and rear garden areas and parking area to the front. The shed for retention is located in the southwestern corner of the front garden area on lands forward of the existing dwelling house. The dwelling is setback c.15m from the road, while the shed for retention is c.0.5m from the boundary at its nearest point.

## 2.0 Proposed Development

- 2.1. The development applied for is for the retention of a shed with a stated floor area of 52.40sqm and a ridge height of 3.75m. The structure is 6.2m in width and 9.25m in depth. The shed is a timber structure and is based on a simple rectangular plan with a hipped roof detail. The shed is used for family storage and as an art space for the applicant.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority issued a notification of a decision to refuse permission for the retention of the proposed development for the following single reason:

*'The proposed development by reason of its prominent location, its siting forward of the front building line and its finishes which are incongruous with the existing finishes would seriously injure the amenities and depreciate the value of properties in this residential area. The development proposed for retention would set an undesirable*

*precedent for similar type development and consequently would be contrary to the proper planning and sustainable development of the area’.*

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

#### **3.2.1. Planning Reports**

The Planner’s Report (09/05/2023) notes that the principle of a domestic shed/garage for storage purposes and purposes incidental to the enjoyment of the main dwelling is considered acceptable. Concerns are raised with regards to the visual impact of the development. The development is located close to the roadside at a highly conspicuous location. The external finish of the shed is not in keeping with the plaster finish of the house. It is considered that the location of the shed in the front garden detracts from the visual amenities of the area. The development would set an undesirable precedent for similar type shed/garage development forward of the front building line. The report concludes by recommending that permission for retention be refused.

#### **3.2.2. Other Technical Reports**

None.

### **3.3. Prescribed Bodies**

None.

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

None.

## **4.0 Planning History**

The Planner’s Report notes a current enforcement file for (DC-445-22) for the subject development.

## 5.0 Policy Context

### 5.1. Limerick County Development Plan 2022-2028

5.1.1. The Development Plan notes that the suitability of a rural site for any development will be evaluated according to the Criteria outlined in **Table DM 5: Design Guidelines for Rural Houses**. A number of the criteria from the Table, relating to 'Siting, Design, Materials and Detailing', are outlined below;

- Scale, height, design and siting of the house shall be sensitive to its surroundings and visually integrate with its rural landscape;
- Simple design and materials reflecting the traditional vernacular of Limerick's rural architecture should be used. Applicants are required to refer to Limerick's Rural Design Advice for Individual Houses in the Countryside updated in 2012 and any subsequent documents prepared by the Council;
- Acceptable visual impact of the development in relation to the surrounding countryside and dwellings/structures/features in the vicinity;
- Protection of residential amenity where appropriate;

5.1.2. Section 6.4 of the Development Plan deals with Landscape and Visual Amenity. The site is located in Landscape Character Area (LCA) 06 Shannon Coastal Zone. There are a number of specific objectives associated with this Landscape Character Area including item a), which states that *'Where housing is permitted, encourage appropriate scale and high-quality design for this landscape area, combined with sensitive site location and landscaping. Respect traditional scale, particularly on elevated or locally prominent sites.'*

### 5.2. Limerick County Council Rural Design Advice for Individual Houses in the Countryside (July 2012)

5.2.1. Section 5 of the rural housing guidelines deals with additions of conservatories, garages and other extension. It is stated that over-scaled or contrasting additions (garages, conservatories, sun rooms) should be avoided. The key objective is ensuring that the main house is clearly seen as the dominant element. The scale and detail of additions, garages in particular, should match the balance of the house and

be subservient to it. Extensions should generally be built with similar materials to the existing house and located discreetly to the side or rear.

### **5.3. Natural Heritage Designations**

Lower River Shannon SAC (site code: 002165) – c1.1km to the northwest of the site.

### **5.4. EIA Screening**

See Form 1 on file. The development is not a class for the purposes of EIA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal can be summarised as follows;

- The space is used as an essential storage space for the family and as an art space for the applicant. Letters are submitted from the family and applicants doctor outlining the need for the space and the significant positive impact the space has on the applicant's mental health.
- The design choice ensures the shed complements the existing architecture while adding visual interest to the surroundings.
- The shed has been designed to maximise natural light.
- The shed is located a significant distance from neighbouring dwellings.
- Additional planting has been introduced to further enhance the developments integration with its surroundings.
- The lack of access to the rear of the building necessitated the developments placement in the front garden.
- The applicant has had regard to environmental and ecological considerations.
- The applicant has enclosed valuation reports which state the retention of the shed will not have any significant effect on the surrounding properties marketability or sale prices.

- The applicant has provided examples a number of properties in the area with sheds/garages forward of the building line.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues arising in this appeal are:

- Visual Impact
- Appropriate Assessment

## 7.2. **Visual Impact**

7.2.1. The proposed development involves the retention of a shed erected in the southwest corner of the front garden of the dwelling house known as Creevagh Lodge. The refusal reasons reference issues in relation to the shed's prominent location, its siting forward of the front building line and its finishes which are incongruous with the existing finishes.

7.2.2. With respect to the siting of the shed for retention, I would have reservations as regards the appropriateness of locating such a development in the front garden, in a position forward of the building line and adjacent to the roadside. In my opinion, this siting is entirely out of keeping with the established pattern of development in the area. The design and finish of the shed, which comprises timber, is at odds with the dwelling on site and with the surrounding area. Furthermore, I consider that the size and scale of the shed at this location is excessive, is not subordinate to the dwelling house on site and is highly visible from the public road. In this regard, it would be more appropriate for the shed in question to be relocated to a less prominent

position to the rear of the property (where there is ample space available). The applicant has put forward that the lack of access to the rear of the building necessitated the developments placement in the front garden. I do not agree that a shed could not be located to the rear of the dwelling, and I can see no justification for locating the proposed development at this location.

7.2.3. The applicant has provided examples of a number of properties in the area with sheds/garages forward of the building line. In this regard I would note that each application is assessed on its own merits. The applicant has also submitted valuation reports which state the retention of the shed will not have any significant effect on the surrounding properties marketability or sale prices. I accept that the proposed shed would not depreciate the value of properties in the area, however I consider that the shed would have a negative impact on the visual amenity of the area and to permit the development would set an undesirable precedent for further similar developments in the vicinity and wider rural countryside.

7.2.4. In conclusion, I am in agreement with the assessment by the Planning Authority that the development to be retained, by reason of its overall design and siting, would be detrimental to the visual amenity of the area and thus would be contrary to the proper planning and sustainable development of the area.

### **7.3. Appropriate Assessment**

7.3.1. The site is not located within or directly adjacent to any European sites. The closest European site, the Lower River Shannon SAC (site Code:002165) is situated c1.1km to the northwest of the site. Having regard to the nature and scale of the proposed development, the separation distance between the subject site and any European site and the nature of the receiving environment, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. Appropriate Assessment is therefore not required.

## 8.0 Recommendation

- 8.1. I recommend that the proposed retention of the shed be refused for the following stated reason.

## 9.0 Reasons and Considerations

Having regard to its scale and size, its prominent location adjoining a public road, its siting forward of the front building line and its finishes which are out of keeping with the existing finishes of the dwelling on site, it is considered that the timber shed, would seriously injure the visual amenities of this rural countryside. The development proposed for retention would set an undesirable precedent for similar type development and consequently would 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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Ciara McGuinness  
Planning Inspector

13<sup>th</sup> March 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|   |   |                      |   |
|---|---|----------------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  |   |                      |   |
| <b>Proposed Development<br/>Summary</b>   | Timber shed to front garden including all ancillary works |                      |   |
| <b>Development Address</b>  | Creevagh Lodge, Ballinacourty, Lisnagry, Co. Limerick     |                      |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |   | <b>Yes</b>           | ✓   |
|   |   | <b>No</b>            | No further action required                  |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>   |   |                      |   |
| <b>Yes</b>  |   | Class.....           | EIA Mandatory EIAR required                 |
| <b>No</b>   | ✓   |                      | Proceed to Q.3                              |
| <b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b> |   |                      |   |
|   |   | <b>Threshold</b>     | <b>Comment<br/>(if relevant)</b>            |
|   |   |                      | <b>Conclusion</b>                           |
| <b>No</b>   | ✓   | N/A                  | No EIAR or Preliminary Examination required |
| <b>Yes</b>  |   | Class/Threshold..... | Proceed to Q.4                              |

**4. Has Schedule 7A information been submitted?**

|            |  |   |
|------------|--|---|
| <b>No</b>  |  | <b>Preliminary Examination required</b> |
| <b>Yes</b> |  | <b>Screening Determination required</b> |

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_