



An
Bord
Pleanála

Inspector's Report ABP317550-23

Development	Construction of a gym/garden room and a detached garage.
Location	Oughtdarra, Lisdoonvarna, County Clare.
Planning Authority	Clare County Council.
Planning Authority Reg. Ref.	22747.
Applicants	Tim and Noreen Blair.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Catherine Vaughan.
Observer(s)	None.
Date of Site Inspection	29th September 2023.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located in a rural area approximately 5 kilometres to the northwest of Lisdoonvarna in the north west of County Clare.
- 1.2. The site is irregular in configuration and which has a stated area of 0.556 hectares is related elevated with views over the coastline to the north and west. On the appeal site is a dwelling located in the eastern area of the site in close proximity to the road and a number of outbuildings. The site fronts onto a local road which defines the site's eastern boundary and the road is narrow with a series of bends along the site frontage. There are a number of dwellings in the immediate area including to the south, northwest, north and northeast. There is a discernible fall in level to the west.

2.0 Proposed Development

- 2.1. The proposed development provides for the construction of a gym/garden room and garage.
- 2.2. The initial drawings submitted to the planning authority on the 19th August 2022 provided for;
 - 2.2.1. A gym/garden room with a stated area of 81.84m² is located to the west of the existing dwelling and is cut into the slope availing of existing contours and is separated from the existing dwelling by a patio area. It is a flat roof structure of modern construction with external finishes of stone and a large glazed area on the western elevation. The structure also incorporates a plant room.
 - 2.2.2. A garage which is a detached structure has a stated area of 102.57m² and has also a flat roof with three doorways, two for individual garage spaces and one for a storage area. A workshop was also proposed with an overall L-shaped footprint. It was proposed to be located in the southern area of the site removed from the dwelling. A new driveway is indicated located in the southeastern corner of the site.
 - 2.2.3. Revised proposals were submitted to the planning authority by way of further information on the 9th May 2023 in which the gym/garden room remains unaltered but the garage was amended and reduced in area to a floor area of 67.10m² with the workshop omitted and the garage structure relocated to the northern corner of the

site and the existing entrance to the site is proposed as serving the garage with a new driveway.

The cover letter referring to the further information refers to all works have now been retained under P23/34.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to six conditions. Conditions of note include.

Condition 1 (b) indicates that the permission does not include permission to use the existing field gate entrance to serve as access to the approved garage. Access to the garage shall be through the existing entrance serving the dwelling.

Condition 2 specifies finished floor levels for the garage and the gym/garden room.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 7th October 2022 refers to the provisions of the current County Development Plan and that the site is located is within a heritage landscape. The principle of the development is accepted but variations were noted in relation to what was constructed on the site to what was granted planning permission on the site in relation to the siting of the dwelling, the design of the dwelling and location of the WWTP. No objections were raised in relation to the proposed entrance. Refusal was recommended due to works as constructed which were not in compliance with the previous permission granted on the site.

The planning report dated the 12th October 2022 recommended further information be submitted addressing matters raised in the 7th October 2022 report.

The Planning Report dated the 9th June 2023 refers to the further information and considers that the proposal would be acceptable in principle. Reference is made to the entrance proposed to be used in relation to the relocated garage. Permission was recommended.

4.0 Planning History

P.A. Ref. No. 98/582. Permission granted for a dwelling and septic tank on the site.

P.A. Ref. No. P23/34. Permission for retention of dwelling house as constructed.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The relevant plan is the Clare County Development 2023-2029.

5.1.2. The site is located within an area designated as a heritage landscape which are indicated as areas where natural and cultural heritage are given priority and where development is not precluded but happens more slowly and carefully.

5.1.3. Section 14.3.2.3 refers to Heritage Landscape and objective CDP14.5 requires that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact and this must be demonstrated for all aspects of the proposal. All proposed developments in these areas will be required to demonstrate that sites have been selected to avoid visual prominence; that site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads and that design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour and that any site works seek to reduce the visual impact of 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:

- It is submitted that the applicant proceeded with a new entrance and gateway in spite of clear instructions from the planning authority in relation to this matter.
- The creation of this new entrance at a bend in road is a traffic hazard and the new entrance limits the view at the appellant's roadway.
- Photographs are submitted in support of the appeal.

6.2. Planning Authority Response

In a response note the appeal submission which does not appear to relate to decision and conditions and relate to alleged unauthorised development.

7.0 Assessment

7.1. The main issues in this appeal are the principle of the development and visual impact. For the purposes of this assessment the design and layout considered is the revised details submitted by way of further information to the planning authority on the 9th May 2023 in which the garage is relocated to the northern area of the site.

7.1.1. In relation to the issues raised in the grounds of appeal the grounds refer to that the applicant proceeded with a new entrance and gateway in spite of clear instructions from the planning authority in relation to this matter and that the creation of this new entrance at a bend in road is a traffic hazard and the new entrance limits the view at the appellant's roadway.

7.1.2. The matters raised in the grounds of appeal refers to the opening/upgrading of a entrance onto the public road at the southern area of the appeal site road frontage in close proximity to the appellant's roadside entrance. This gate does not form part of the revised development and would not appear to be the exact proposal for an entrance initially proposed in the southern area of the site. Any matters relating to whether the works are unauthorised are a matter for the planning authority and not

for the Board who are not the enforcement authority. Issues in relation recent replacement of a field gate are also raised and the planning authority have by condition not permitted the use of this field gate for use as a vehicular access to the garage and if the gate is used for the purpose of vehicular access to the site this would also be a matter for enforcement by the planning authority.

7.1.3. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

7.1.4. The issues are addressed under the following headings:

- The principle of the development.
- Impact on visual and residential amenity.
- traffic
- Appropriate Assessment

7.2. **The principle of the development.**

7.2.1. The proposed development is located in a Heritage Landscape designation and objective CDP14.5 requires that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact and this must be demonstrated for all aspects of the proposal. It is also indicated that all proposed developments in these areas will be required to demonstrate that sites have been selected to avoid visual prominence; avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads and that design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour and that any site works seek to reduce the visual impact of the development.

These provisions largely relate to new residential development and in this particular development there is dwelling on the site and the proposals are for ancillary developments. I would have no objection to the principle of the development.

7.3. **Impact on visual and residential amenity.**

7.3.1. The proposals as submitted are for a gym/garden room and for a garage. In relation to the gym/garden room it is proposed to cut into the contours of the site and the roof of the structure will be at the level of the existing terrace/patio area. I do not consider

that the submitted design will impact on the visual amenity of the area and/or adversely impact on the heritage designation. The side walls which would be visible from the road has an external finish of stone and although there is glazing on the western elevation the overall profile of the structure is low and I would have no objections to the proposed development.

- 7.3.2. In relation to the garage as proposed in the revised proposal i would note that the scale is reduced from the original proposal and it is located in a low lying area of the site with a high level of natural screening. I would have no objection to the garage as proposed.

7.4. Traffic

- 7.4.1. The revised proposal indicates a driveway from the garage to an existing field gate. The site also has an existing entrance serving the house and the planning authority by condition have in condition 1(b) does not permit the field entrance to serve the garage and that the garage be served via the existing entrance for the dwelling.

Given the nature of the alignment of road with the field gate on the bend the condition is reasonable given the proximity of the field entrance and house entrance and any proposal to utilise the field gate would require an appropriate design and configuration to address any traffic safety concerns which could arise. I note reference in the grounds that this gateway has been replaced by a new gate and any issue of use of this gate as a vehicular access to the garage if it not permitted by this appeal would be a matter of enforcement.

7.5. Appropriate Assessment Screening

- 7.6. 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

- 9.1. Having regard to nature of the development proposed, its siting, scale and design it is considered that subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities 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 the 19th August 2022 and as amended by the submission of further information received by the planning authority on the 9th May 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 field gate indicated on the revised site layout plan in the submission of further information received by the planning authority on the 9th May 2023 shall not be used to serve as an access to the proposed garage and the garage shall be served by the existing house entrance.</p> <p>Reason: In the interest of clarity and traffic safety.</p>
3.	<p>The garage and gym/garden room shall not be used for commercial purposes or any other purpose incidental to the enjoyment of the existing dwelling house on the site.</p> <p>Reason: In the interest of clarity and orderly development.</p>
4.	<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>Reason: In the interest of visual amenity.</p>

5.	<p>The applicant/developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</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 be applied to the permission.</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.

Derek Daly
Planning Inspector

2nd October 2023