



An
Bord
Pleanála

Inspector's Report ABP317620-23

Development	Construction of a domestic garage to rear of dwelling.
Location	Brooklodge Demesne, Ballyglunin, County Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	221201.
Applicant	Trevor Farag.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	First Party
Appellants	Trevor Farag.
Observer(s)	None.
Date of Site Inspection	29 th September 2023.
Inspector	Derek Daly.

1.0 Site Location and Description

1.1. The proposed site is located in a rural area approximately 11 kilometres to the southwest of Tuam in County Galway. On the appeal site is a dwelling located centrally on the site. The appeal site fronts onto a public local road which defines the southern boundary. The eastern and southern boundary adjoins open lands and the western boundary adjoins the site of another dwelling. The site is relatively flat and forms part of a wider terrain which is flat. The site has a stated area of 0.195 hectares.

2.0 Proposed Development

- 2.1. The proposed development provides for the construction of a garage to the rear of a dwellinghouse and all associated site works. The garage as submitted to the planning authority has a floor area of approximately 70m² with a pitched roof with a stated height to ridge level of 5363mm. The structure is of modern design and construction and plan indicates an internal arrangement for parking cars with a storage area also proposed.
- 2.2. Further information was received by the planning authority on the 31st May 2023 in which the revised details are submitted which do not allow for a reduction in overall floor area but the overall height is reduced by 570mm to a height of 4784mm. A flood risk assessment was also submitted.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to eight conditions. Condition no 4 is of note as the condition limits the development to a maximum of 60m² and a maximum height of 5 metres and requires plans and particulars reflecting this requirement to be submitted prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 26th January 2023 refers to the planning history, to provisions of the current County Development Plan and external consultations. Reference is made to the issue of flood risk assessment. The development is considered acceptable in principle but it is indicated that the normally permitted total floor area for domestic garages/sheds on rural residential sites is 60m² and the height normally permitted is 5m and the proposal was considered excessive. Further information was recommended in relation to the scale of the development and the issue of flood risk.

The Planning Report dated the 27th June 2023 refers to the further information and considers that the reduction of the height is acceptable but considers that the development should have a maximum floor area of 60m². Permission was recommended.

4.0 Planning History

No relevant history.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The relevant plan is the Galway County Development Plan 2022-2028.

Chapter 15 of the plan refers to Development Management and relevant to the current proposal is DM Standard 6: Domestic Garages (Urban and Rural) which indicates;

- 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.

DM Standard 46 refers to compliance with Landscape Sensitivity Designations. The site is within a Class 1 – Low Sensitivity designation.

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**

- 6.2. The main grounds of appeal can be summarised as follows:

- The grounds of appeal relate to condition no. 4 of the planning authority's decision to grant planning permission.
- The proposed garage is to the rear of the dwelling screened from the public roadway.
- It is sized to suit two classic cars.
- Reference is made to similar developments granted by the planning authority.
- The appellant does not believe the 60m² floor area is enacted in the CDP or in any regulation or legislation.

6.3. **Planning Authority Response**

No response

7.0 Assessment

- 7.1. The main issues in this appeal are those raised in the grounds of appeal relating to condition no 4 of the planning authority decision to grant planning permission. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Condition no.4 / Impact on visual and residential amenity.
- Appropriate Assessment

7.2. Principle of the development.

- 7.2.1. The proposal as applied for is for a garage which will be used to store cars and general storage ancillary to the use and enjoyment of the dwelling on the site. I have no objection to the principle of the development.

7.3. Condition No4. / Impact on visual and residential amenity.

- 7.3.1. The appellant has appealed condition no. 4 which limits the development to a maximum of 60m² and a maximum height of 5 metres and requires plans and particulars reflecting this requirement to be submitted prior to the commencement of development.
- 7.3.2. The appellant contends that the proposed garage is to the rear of the dwelling screened from the public roadway and is sized to suit two classic cars. The grounds also makes reference to similar developments granted by the planning authority and the appellant does not believe the 60m² floor area is enacted in the CDP or in any regulation or legislation.

The planning authority reports refers to the normally permitted total floor area for domestic garages/sheds on rural residential sites is 60m² and the height normally permitted is 5m and the proposal was considered therefore excessive and considers that the development should have a maximum floor area of 60m². Permission was recommended. There is no specific reference to any specific development standard in relation to maximum area or height.

- 7.3.3. The development plan specifically refers to in chapter 15 Development Management to DM Standard 6: Domestic Garages (Urban and Rural) which does not specify any limits in relation to height and area of domestic garages but does outline three criteria for consideration in assessing domestic garages.

The first indicates that the design, form and materials should be ancillary to, and consistent with the main dwelling on site. An examination of the details submitted in relation to the proposal as initially submitted and revised in the further information submitted, I consider complies with is requirement.

The second indicates that structures may be detached or connected to the dwelling but should be visually subservient in terms of size, scale and bulk. An examination of the details submitted in relation to the proposal as initially submitted and revised in the further information submitted, I consider complies with is requirement. The proposal is on a relatively large site providing ample area for private open space. It is removed from the dwelling on the site and I consider that it is subservient in terms of size, scale and bulk. I also consider that that a garage of 70m² in area would not be excessive in the context of the site and the receiving landscape or adversely impact on visual and residential amenity. I would have no objection to the original height but the appellant reduced the overall height in the further information submitted and consider the reduced height acceptable.

The third refers to 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. Based on the documentation submitted the proposed development would comply with this provision.

7.4. **Appropriate Assessment Screening**

- 7.5. 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

Having regard to nature of the development proposed, its scale and design and the general visual characteristics of the general area 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. 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 the 28th November 2022 and the 31st 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 garage shall not be used for habitable or 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>
3.	<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>

4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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>
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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