



An
Bord
Pleanála

Inspector's Report

ABP-317758-23

Development	Retention of shed for domestic use
Location	Warrenstown, Dunboyne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22857
Applicant(s)	Denis Gallagher
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Patrick Curran
Observer(s)	None
Date of Site Inspection	20 December 2023
Inspector	Paula Hanlon

1.0 Site Location and Description

- 1.1. The site subject to this appeal (hereafter referred to as 'the site') is located along the northern side of the L-2216 local road in the townland of Warrenstown, a distance of 2 kilometres as the crow flies northwest of Dunboyne, Co. Meath. The immediate area is rural and typified by a pattern of linear development in the form of single houses on individual plots, with the site located within a row of 6(no.) dwellings.
- 1.2. The site's configuration is long and narrow, extending in a north-south direction, with an L-shape turning in an eastern direction at its rear (northern end). An existing two-storey dwelling with two number structures to rear i.e., a domestic garage (with proposed conversion to accommodate family needs) (32 m²) and single storey shed (117m²) (the subject of this appeal) are sited within the boundaries of the site. The site is flanked by a dwelling house on both its eastern and western side.
- 1.3. The landscape character designation of this area is Ward Lowlands which has a low landscape character value. The site is also within Dublin Airport Noise Zone C.

2.0 Proposed Development

- 2.1. The proposed development constitutes the retention of a shed (117m²) for domestic use only and ancillary to the main dwelling. The shed is of corrugated metal finish with principal dimensions 4.3m (max. ridge height), length (13.65m) and depth (9m). Two roller shutter doors and a single doorway access are contained along its southern elevation, with no fenestration on its northern, eastern or western elevations.
- 2.2. The application was accompanied by the following documentation of note –
 - Cover letter which confirms that the shed will not be used for human habitation, commercial use or industrial use. It states that the shed is required for the storage of old vehicles, items ancillary to the main dwelling, gardening equipment and machinery.

Additional Documentation of note submitted in response to the Planning Authority's request for further information include:

- Clarification that the subject shed will not be used for commercial purposes.

3.0 Planning Authority Decision

3.1. Further Information

The Planning Authority (PA) requested further information on 22 August 2022 which highlighted a discrepancy in development description shown on submitted plans and public notice, justification on the scale of shed and clarity on services (including surface water). The further information received included a revised development description that incorporated a change of use of associated domestic garage (32m²) on the site into the application.

3.2. Decision

By Order dated 13 July 2023, Meath County Council issued a Notification of decision to grant permission subject to 4 conditions.

The conditions were mainly standard, and the following are of note:

- Development to be carried out in accordance with plans and particulars submitted on 30/6/2022, 2/6/2023 and 20/06/2023. (Condition 1).
- Sensory Room & Domestic Storage 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. (Condition 4).

3.3. Planning Authority Reports

3.3.1. Planning Reports

Two Planning Reports have been attached to the file. The first report completed on 18/08/2022 recommended that further information be sought. The second planning report completed 13/07/2023 forms the basis for the decision by the PA to grant permission. In making this recommendation, the Planner's Report refers to its approval of the use of an existing domestic garage on this site as a sensory room which stands separate to the structure which is the subject of this appeal.

3.3.2. Other Technical Reports

Transportation (15/08/2022) No objection.

Public Lighting (14/07/2022) No comments.

3.4. **Prescribed Bodies**

Irish Aviation Authority: Report received 28 July 2022 - No observation.

Dublin Airport Authority: Report received 29 July 202 - No comment on proposed development and comment that proposal be referred to IAA and the IAA-ANSP.

3.5. **Third Party Observations**

The PA received one third-party submission during the course of their determination. The submission was received from Mr. Patrick Curran (Third-Party Appellant) who resides on a neighbouring site immediately to the east of the site. The submitter supported the principle of providing a 'private' shed on the subject site, however a number of concerns were highlighted.

4.0 **Planning History**

DA/50103: Demolition of cottage, construction of replacement dwelling house and retention of domestic garage, granted.

5.0 **Policy Context**

5.1. **Meath County Development Plan 2021-2027**

Objective INF OBJ 13 (to ensure percolation areas are located and constructed in accordance with the recommendations and guidelines of the EPA and the Council to minimise the impact on surface water of discharges).

Objective INF OBJ 18 (to ensure that new developments provide for the separation of foul and surface water drainage networks within application site boundaries).

Policy RD POL 44 (to ensure that new development meets the highest standards in terms of environmental protection).

5.2. **Natural Heritage Designations**

None relevant.

5.3. **EIA Screening**

Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (As amended), and as such, preliminary examination or an environmental impact assessment is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Proposal fails to comply with the EPA Code of Practice and required minimum separation distances.

The appellant infers that proper consideration was not afforded to the content of their submission made to the PA on 03/07/2023 that the proposal contravenes the parent permission granted on this site (reference DA 5/01/03) and the EPA Code of Practice for domestic wastewater systems (2021), as required minimum separation distances are not achieved.

It is indicated that the shed overlaps the percolation area and the location of soakpit is within the percolation area by approximately 2 metres in an east-west direction and

8.7 metres in the north-south direction. Concerns on environmental consequences are expressed.

- Proposal impacts on visual amenities enjoyed by an adjoining residence.

The appellant considers that the proposal forms a significant visual barrier which detrimentally impacts on the visual amenity which they once enjoyed from their dwelling due to its scale, positioning and material finishes and that the rationale provided on its scale (to accommodate inherited vehicles) is not sufficient or fair. The PA's consideration that the structure did not injure residential or visual amenities is subjective and potentially counterproductive for the proper planning of the area into the future.

- Proposal is contrary to provisions of the CDP in terms of sensitive design.

The appellant contends that the shed does not assimilate into its surroundings or protect and enhance the visual qualities of rural areas due to its design, specification of materials & detailing and that it is overscaled for a domestic structure that is ancillary to residence, setting a precedent to neighbouring sites. It is contrary to the CDP, notably "to protect and enhance the visual qualities of rural areas through sensitive design" (Strategic Objective RURDEV SO6) and to provide "a high standard of building design, specification of materials and detailing" as set out in Development Management Standards, Section 11.5.8, Dwelling Design, Size and Mix.

6.2. Applicant Response

The PA sought and received a clear and valid justification for all existing structures and applicant confirms their intentions to comply in full with all conditions attached to the approved permission.

The applicant states that requirements on separation distances contained with the EPA code of practice do not apply to domestic sheds.

In terms of use, the applicant notes the appellant's agreement in principle with a domestic shed and details that accusations made regarding its use for commercial activity lie outside of the applicant's control.

The applicant contends that the appellant's core issue relates to the location of the structure on the site and comments that this was not a raised issue for the PA at any stage during the process.

6.3. Planning Authority Response

A response has been received from the PA dated 05/09/2023. It states that the proposal is consistent with the CDP and requests that the Board refer to previous planner reports associated with the application and that the PA's decision be upheld.

7.0 Assessment

The structure which is the subject of this appeal constitutes a second structure sited to the rear of dwelling within the appeal site. The surrounding area is generally rural in character and the site is located within a row of single houses on individual sites. I am satisfied that the applicant has substantiated the use of the existing and permitted domestic garage (32m²) on medical grounds, and accordingly, the principle of an additional shed for domestic use on this site is accepted. The Board will further note that the development of a domestic shed on this site is not refuted by any parties.

Accordingly, having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, site inspection and having regard to the relevant policies, objectives and guidance, I am satisfied that the main issues to be considered are those raised in the Third-Party grounds of appeal, and I am satisfied that no other substantive issues arise.

The main issues in determining this appeal are as follows:

- Siting and Design
- Compliance with EPA Code of Practice

- Procedural.

7.1. Design & Siting

The shed (117m²) sited in the northwestern corner of the applicant's rear garden is setback from the western lateral boundary that is aligned with a row of mature native trees and hedgerow. Similar planting surrounds this L-shaped rear garden and provides significant screening between the site and adjoining lands. The shed is of corrugated metal finish with a ridge height of 4.3m [length (13.65m) and depth (9m)]. There are no windows or doors facing onto lateral boundaries, with two roller shutter doors and a single doorway access facing into the applicant's site (south elevation). The appellant contends that the structure will be detrimental to their visual amenities, as once enjoyed. In terms of its overall design and material finishes, whilst I accept that the scale exceeds that normally associated with domestic use, I note that the proposal is not in breach of any design standards contained within the CDP and that the structure is setback to the rear of this site, with only partial view of same from the public road.

In assessing the matter raised on visual impact, I submit that the appellant is referring to a view from their dwelling house which traverses the applicant's site. It is my view that the structure will not encroach upon neighbouring lands and by virtue of its siting along the rear boundary of this site, with a ridge height of 4.3m and separation distance in excess of 40 metres from the footprint of appellants dwelling to the east, that it will not give rise to undue visual impacts or detract from residential amenities of adjoining property. Accordingly, I am of the opinion that the appellants view across the private garden of a neighbouring property does not warrant a refusal in terms of visual amenity and that the structure which will be utilised for domestic use only, ancillary to the applicant's dwelling house is acceptable in terms of its siting.

7.2. Compliance with EPA Code of Practice

I note the appellant's contention regarding issues of compliance on required separation distances between the permitted on-site percolation area and soakpit. In

assessing the submitted documentation, I also note that the applicant delineated the location of an 'existing soakpit' on a revised site layout map in response to the PA's request on the management of surface water and that no further details were furnished for the site. I consider that the submitted site layout is insufficient in detailing all features on and adjoining this site, most notably the applicant's on-site wastewater treatment system, percolation area and private well are not delineated and advise that this is contrary to the requirements of Article 23 of the Planning and Development Regulations 2001 (as amended). Notwithstanding, I wish to highlight that no part of a drainage system conveying surface water should oversail a percolation area. I have reviewed the parent permission on this site (reference DA 5/01/03), permitted in accordance with the relevant EPA Code of Practice at the time, 'Treatment Systems for Single Houses' and concur with the appellant that the soakpit shown in this application significantly oversails the permitted percolation area, with no required separation distances provided. It is also my opinion that the proposed shed is on the permitted percolation area/splitter box on this site and that the proposal may compromise the on-site wastewater treatment plant itself. Therefore, I consider that a full survey would be required in this regard

I submit to the Board that in considering the regulating of this development, due cognisance must be afforded to its siting, design and necessity and the applicable policies, objectives, and standards on surface water disposal. Accordingly, I consider that the details provided are unacceptable and are contrary to Objective INF OBJ 18 and policy RD POL 44 of the CDP and in the absence of a full survey regarding on-site wastewater treatment and disposal, would pose an unacceptable risk to water quality and a risk to public health such that a refusal of this application is warranted.

7.3. Procedural.

Of material concern to the appellant is the use of the garage which he contends may be for commercial purposes. The first party refutes same and puts forward that the permitted use, being domestic use will be adhered to. No commercial activity was evidenced on the site on my site inspection although I did not gain access into the shed. In this regard, I note that the application before the Board is for the retention of

the shed for domestic use, only, and as such any other use of the structure would require a further planning application.

8.0 Recommendation

Having regard to the information submitted in support of the appeal and development the subject of retention, together with all other matters and details on the case, I recommend that planning permission be refused for the proposed development for the following stated reason.

9.0 Reasons and Considerations

Having regard to the plans and documentation accompanying the application and to the permitted layout of development on this site, it is considered that the proposed development including surface water drainage arrangements would compromise the integrity and operation of the permitted wastewater treatment and disposal system on the site. The development proposed therefore, if permitted, would pose an unacceptable risk to water quality, would be prejudicial to public health, would be contrary to objective INF OBJ 18 and policy RD POL 44 of the Meath County Development Plan 2021-2027, and would therefore 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.

Paula Hanlon
Planning Inspector

30th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317758-23		
Proposed Development Summary	Retention of single storey shed (117m ²) for domestic use		
Development Address	Warrenstown, Dunboyne, Co. Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
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?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X	N/A	No EIAR or Preliminary Examination required
Yes			

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____