



An
Bord
Pleanála

Inspector's Report

ABP-317849-23

Development	To erect a combined garage-shed consisting of a prefabricated steel building for the purpose of acting as a combined garage and shed for outside storage.
Location	Saddlestown, Stamullen, Co. Meath, K32 XP59.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	23484
Applicant(s)	Martin J. Burke & Elizabeth Burke
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Martin J. Burke & Elizabeth Burke

Date of Site Inspection

16th September 2023

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.64 hectares, is located in the townland of Saddlestown approximately 10km south of Drogheda. The appeal site is located off the L-1618-13 and the site is occupied by an existing dwelling. Adjoining lands include agricultural lands to the east and north. To the west is an agricultural laneway adjoining the site boundary with a farmyard located to the west also.

2.0 Proposed Development

- 2.1. Permission is sought to erect a combined garage-shed consisting of a prefabricated steel building for the purposes of acting as a combined garage and shed for outside storage. The proposed structure has a floor area of 43.17sqm and a ridge height of 2.9.2m.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 5 conditions. Of note is the following condition...

Condition no. 4: The applicant shall provide and maintain unobstructed sightlines of 90 metres to the nearside edge of the road from a setback of 2.4 metres, in accordance with TII document DN-GEO-03060, from the entrance. The nearside road edge shall be visible over the entire sight distance.

The Applicant shall remove the entire roadside boundary, including hedge piers and wing walls, and set it back at least 3 metres from the existing road edge. A grass verge, at least 3 metres in width, shall be provided and maintained free of any obstruction, between the edge of the road and the new site boundary. This work shall be completed prior to any other work commencing on site.

Reason: In the interests of road safety and traffic management.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning Report (27/06/23): Further information required including demonstration of sightlines and clarification of works proposed to the entrance (labelled proposed entrance).

Planning Report (13/07/23): The proposed development was considered satisfactory in the context of the proper planning and sustainable development of the area and a grant of permission was recommended subject to the conditions outlined above.

Other Technical reports

Transportation Department (26/06/23): Further information required including demonstration of sightlines of 90m with a setback of 2.4 metres.

Transportation Department (27/07/23): No objection subject to conditions including a condition requiring provision of sightlines and alterations to the roadside boundary.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1 None.

4.0 **Planning History**

23/69: Permission granted for a detached building for the purposes of a non-commercial art project, study and storage.

99/2144: Permission refused to relocate the position of entrance structure for which permission has been granted consisting of two double pillars, gateway and cattle grid at existing dwelling.

99/1283: Permission granted to erect an entrance and cattle grid.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Meath County Development Plan 2021-2027. The site is in the area zoned Rural Area under CDP.

5.2 Natural Heritage Designations

None in the vicinity of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Martin J. Burke & Elizabeth Burke. The grounds of appeal are as follows...

- The appeal is relating to imposition of condition no. 4, with the appellants of the view such should be omitted.
- The application was referred to the Transportation Department due to an erroneous reference to a proposed entrance on the drawings submitted and would not have been referred to such normally. This error was rectified on later drawings with the no works proposed and the entrance an existing entrance.

- The existing entrance was previously authorised (99-1283) and serves an existing dwelling. The proposal is for an ancillary structure and will cause no increase in traffic levels over the existing situation.
- The TII document referred to in the condition (DN-GEO-030600) does not refer to entrance to private dwellings. The applicants/appellants' have use the entrance for significant period of time with no issues in terms of traffic movements. The applicant/appellants' maintain the hedge along the roadside boundary and consider it unnecessary to remove such.
- The applicants/appellants do not have the necessary control over lands to the east to maintain the required sightlines.
- The applicants/appellants are proposing an alternative proposal to increase traffic visibility with a rewording of the condition with the installation of a convex steel or acrylic mirror mounted inwards from the edge on the far side of the road opposite the entrance.

6.2. Planning Authority Response

6.2.1 Response by Meath County Council

- The proposed development is considered to be consistent with the policies and objectives of the County Development Plan. The PA refer to the planners report associated with the application and request that the Board uphold the decision to grant permission as per the conditions set out or other similar conditions.

7.0 Assessment

- 7.1. At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied consideration of the proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and that it is appropriate to determine the

appeal in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 (as amended). Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Condition no. 4

7.2 Condition no. 4:

7.2.1 Condition no. 4 states that...

4. The applicant shall provide and maintain unobstructed sightlines of 90 metres to the nearside edge of the road from a setback of 2.4 metres, in accordance with TII document DN-GEO-03060, from the entrance. The nearside road edge shall be visible over the entire sight distance.

The Applicant shall remove the entire roadside boundary, including hedge piers and wing walls, and set it back at least 3 metres from the existing road edge. A grass verge, at least 3 metres in width, shall be provided and maintained free of any obstruction, between the edge of the road and the new site boundary. This work shall be completed prior to any other work commencing on site.

Reason: In the interests of road safety and traffic management.

7.2.2 The proposal is for storage shed within the curtilage of an existing dwelling with an established entrance previously authorised under (99-1283, relates to proposal for entrance to serve an existing dwelling). The proposal is for a structure ancillary to the existing dwelling. The proposal is to use an existing entrance and no works are proposed to that entrance with it accepted that reference to proposed entrance on the drawings submitted originally is an error. The existing site entrance is off the L-1618-13, which is local road. The works proposed as part of Condition no. 4 would entail a significant level of works to the boundary including removal of hedgerow and would likely to entail the requirement for works on lands to the east that do not appear to be within the control of the applicant.

7.2.3 Having inspected the site, the proposal is located within the curtilage of an existing dwelling with an established and authorised entrance that has been in use for significant period of time. The entrance is located of a local road in the rural area which did not appear to be heavily trafficked routes at the time of inspection. To comply with the condition would entail removal of a significant level of hedgerow. Given the ancillary nature of the proposal and the established nature of the entrance, I would be of the view that condition no. 4 is unnecessary as the use of an established entrance for an ancillary structure is acceptable with no increase in intensity of traffic anticipated. I would also consider that the condition is unenforceable as it appears to entail alteration/works on third party lands outside of the applicants' control (I would refer to the 7.3.3 of the Development Management Guidelines). I would also consider that it would be detrimental to the rural character of the area due to removal of a significant levels of hedgerow. I do not consider that an alternative traffic proposal as provided in the appeal submission is required and in this regard I would recommend that condition no. 4 be omitted.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European 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.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

(a) Having regard to the nature of the development proposed which is for a structure ancillary to existing residential use on site and using an existing, established and authorised vehicular entrance, the requirement for additional works under condition no. 4 are unnecessary, would be unenforceable given the requirement for works on lands outside of the applicants' control and would be detrimental to the rural character of the area as a result of the removal of existing hedgerow. It is considered that the imposition of condition no. 4 is an unreasonable, onerous and disproportionate requirement relative to the development sought.

Colin McBride
Senior Planning Inspector

19th September 2023