



An
Bord
Pleanála

Inspector's Report ABP317939-23

Development	Permission to construct a domestic storage shed to the rear garden of existing two storey house with ancillary works.
Location	Middletown, Ardamine, County Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20230682.
Applicant	Martin Cullen.
Type of Application	Planning permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Gareth Hope.
Observer(s)	None.
Date of Site Inspection	7th February 2024.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located within the built-up area of the village of Courtown in County Wexford. The site is referred to in correspondence was 29 Branogue Park which is part of an overall residential area of Dune Haven. On the site is a two storied semi-detached dwelling located in a cul de sac comprised of two storied semi-detached dwellings. The property has gardens to the front and rear and there are dwellings to the north, west and south of the appeal site part of the overall residential estate and the road serving the dwelling defines the eastern boundary.

2.0 Description of Development

- 2.1. The proposed development is for permission to construct a domestic storage shed to the rear garden of existing two storey house with ancillary works. The proposed shed is located in the rear garden and has a stated area of 23.3m². The proposal has a pitched roof with a maximum height of 4900mm and internal dimensions of 5300mm x 4400mm. The external finish is predominantly a nap plaster finish with access from a roller door and two domestic type doors. The structure is approximately one metre from three site boundaries and 7.1 metres from the rear elevation of the dwelling on the site. It is indicated that the area of private open space retained in the rear garden area is 45m².

3.0 Planning History

- 3.1. No relevant planning history.

4.0 Local Planning Policy

- 4.1. Local Policy

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

Volume 2 of the plan refers to Development Management Manual and section 3.2 to Domestic Garages/Stores and that the development of a domestic garage/store for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

- The domestic garage/store shall be single storey only, shall have a maximum floor area of 80m² and a maximum ridge height of 5m. In urban areas, domestic garages and stores will be assessed on the scale of the space around the dwelling and any impact on neighbouring properties.
- The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.
- The domestic garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house.

The site is zoned Existing Residential R in the Courtown and Riverchapel LAP 2015-2021 as extended.

5.0 Natural Heritage Designations

None relevant. The site is not within a Natura Site or directly connected with a Natura Site.

6.0 Planning Authority Decision

6.1. The decision of the planning authority was to grant planning permission subject to three conditions.

6.1.1. The second condition limited the use of the shed as not to be used for human habitation and for purposes incidental to the enjoyment of the house.

6.2. Planning Authority Reports

6.2.1. Planning Report

The planning report dated the 10th August 2023 refers to the provisions of the current County Development Plan and LAP, refers to other reports of the planning authority and third party submissions received. The report recommended permission.

7.0 Third Party Appeal

7.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The appellant refers to the height of the proposed shed which at 4.9 metres in height is too high for a small garden and above the height of the upper windows of the appellant's property.
- The site layout map is incorrect and there is insufficient space in the garden to maintain a one metres gap around the shed.
- The drawings are unclear in relation to description of elevations and drawings do not outline ancillary works.
- The issue of possible installation of toilet is raised.
- Reference is made to Volume 2 section 3.2 of the current CDP and it is considered that the size of the shed greatly impacts on the neighbouring properties.

8.0 Appeal Responses

8.1. The applicant in a response dated the 10th October 2023 in summary refers to;

- The height is in compliance with the relevant provisions of the Volume 2 section 3 of the CDP as the height restriction is 5 metres and the height of the proposed development will have negligible impacts on light on the appellant's garden.
- The appellant's windows at upper level are above the proposed ridge height of the proposed shed.
- The shed is for domestic storage and the applicant wishes to use the attic space for storage if required in the future.
- The roof pitch of the shed matches the roof pitch of the dwelling.
- A revised site layout map is submitted indicating site boundaries but the anomaly between this map and the map submitted to the planning authority has no effect on the proposed works and works are proposed outside of the applicant's property.
- The applicant is happy for the Board to specify setback distances are maintained and if alterations are required to be subject to agreement with the Planning Authority.

- The orientation of the plans and elevations are very clear.
- Ancillary works are referred to cover minor works or services.
- The reference to public services is entirely normal in reports and there is no intention to place a WC in the shed.
- The only part of the shed visible will be the tiled shed roof and will not have an overbearing nature and slopes away from the appellant's property.

9.0 EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 Assessment

11.1. The main issues in this appeal are those raised in the planning authority's reasons for refusal. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- The grounds of appeal.

11.2. Principle of the development.

11.3. The proposal as submitted is for domestic storage shed to the rear garden of existing two storey house with ancillary works. The proposed shed is located in the rear garden and has a stated area of 23.3m². The proposed development is located in the rear garden of a dwelling within an established residential area which is within the existing residential development zoning. The development is acceptable in principle subject to consideration of the criteria outlined in volume 2 section 3.2 of the CDP assessment of impact on residential amenities.

11.4. **Grounds of appeal**

11.4.1. The decision of the planning authority was to grant planning permission subject to three conditions.

11.4.2. The grounds of appeal refer to the height of the proposed shed which at 4.9 metres in height which is considered too high for a small garden and above the height of the upper windows of the appellant's property. Reference is also made to Volume 2 section 3.2 of the current CDP and it is considered that the size of the shed greatly impacts on the neighbouring properties.

Reference is made to the site layout map as incorrect and there is insufficient space in the garden to maintain a one metres gap around the shed and the drawings are unclear and the issue of possible installation of toilet is raised.

11.4.3. In response the applicant contends that the height is in compliance with the relevant provisions of the Volume 2 section 3 of the CDP as the height restriction is 5 metres and the height of the proposed development will have negligible impacts on light on the appellant's garden. The appellant's windows at upper level are above the proposed ridge height of the proposed shed. It is indicated that the shed is for domestic storage and the applicant wishes to use the attic space for storage if required in the future. The roof pitch of the shed matches the roof pitch of the dwelling. The only part of the shed visible will be the tiled shed roof and will not have an overbearing nature and slopes away from the appellant's property.

A revised site layout map is submitted indicating site boundaries but the anomaly between this map and the map submitted to the planning authority has no effect on the proposed works and works are proposed outside of the applicant's property and the applicant is happy for the Board to specify setback distances are maintained and if alterations are required to be subject to agreement with the Planning Authority. The

reference to public services is entirely normal in reports and there is no intention to place a WC in the shed.

- 11.4.4. In relation to the height the development plan guidance does stipulate a domestic garage/store shall be single storey only, shall have a maximum floor area of 80m² and a maximum ridge height of 5 metres and that in urban areas, domestic garages and stores will be assessed on the scale of the space around the dwelling and any impact on neighbouring properties. In relation to the current proposal has an area of 23.3m² and a height of 4.9 metres which are within the guidance as indicated.

There is adequate provision of private open space remaining within the rear garden area and a minimum separation distance of 1 metre is retained from the common boundaries. Although the height to ridge roof is 4900mm the height above ground level to the eaves is approximately 3000mm and then it slopes upwards away from the side boundaries. I do not consider that the proposal will have an overbearing impact on adjoining properties or impact on their amenities or daylighting of adjoining properties or private open spaces.

The design and external finishes of the domestic garage/store are also I consider in keeping with that of the dwelling house.

- 11.4.5. In relation to the issues of clarity of the drawings I do note that the red line was indicated outside of the boundaries of the property on the drawing submitted but the drawing also indicates the site boundary and the matter is further clarified in the revised drawing submitted in the response to the appeal.
- 11.4.6. There is nothing to indicate that a WC is proposed or that the domestic garage/store will be used for purposes other than ancillary to the enjoyment of the dwelling house.

12.0 Recommendation

- 12.1. I recommend that permission be granted.

13.0 Reasons and Considerations

Having regard to the nature of the proposed development 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.

14.0 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 June 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>External finishes to the proposed development shall be in accordance with the details received by the planning authority on the 19th June 2023.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The proposed garage/shed shall not be used for human habitation or for commercial purposes other than purposes incidental to the enjoyment of the dwelling house</p> <p>Reason: In the interest of residential amenity</p>
4	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. 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>

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

13th February 2024