



An
Bord
Pleanála

Inspector's Report

ABP-318089-23

Development	Retention of garage/shed and all associated works.
Location	Behybaun, Ballina, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	23108
Applicant(s)	Bridie McGinley
Type of Application	Retention
Planning Authority Decision	Refused
Type of Appeal	First
Appellant(s)	Bridie McGinley
Observer(s)	Behybaun Residents Association
Date of Site Inspection	18/04/24
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The garage /shed is located adjacent to a fire damaged two storey detached dwelling house on a .267ha site at Behybaun on the outskirts of Ballina Co Mayo. The site is situated along a local road, off the N26 national primary road on the southern side of Ballina Town, Co. Mayo. The road to the front of the site is within the 50km/h speed limit. The site is serviced and Low density Residential.
- 1.2. The trainline which links Ballina to Manulla Junction runs along the western boundary of this local road and a railway bridge (listed on the National Inventory of Architectural Heritage (NIAH) Reg. No. 31303016) travels over the local road approximately 10m west of the site boundary.
- 1.3. The site is bound to the front by an existing lacken stone wall which matches that of the neighbouring properties to the north and west. Two existing dwellings and a creche are located across the local road to the north of the proposed site, these sites are also bound to the front by stone boundary walls. There are a number mature Alder and Ash trees located along the front of the site to the inside of the existing stone wall and access to the site is to be provided between two of these trees.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - A domestic shed of 220.3m²
 - The structure is 6.75m
 - Proposed sandstone finish

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a decision to refuse permission for the following reason:

Having regard to the size, scale and bulk of the domestic garage to be retained and the suburban location, Mayo County Council consider that the proposal would be contrary to the provisions of the Mayo County Development Plan 2022 – 2028 and, if permitted, would set an undesirable precedent for similar types of development to be retained, if permitted, would seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planners reports on file the first planners report sought further information with respect to surface water management, landscaping and detailed design drawings. Two points within an advice note were issued to the applicant.

1. If any development is permitted under the current application for retention, any development will be linked to the other live planning application for the competition, occupation and use of adjacent dwelling on site. This is to ensure the current development is ancillary to any dwelling permitted on site.
2. Mayo county Council has serious concerns regarding the size, bulk of domestic shed/garage to be retained and completed on site. The domestic shed is not in accordance with Section 4.14 House/ Garages/ Sheds of the Mayo County Development Plan. The proposal is not considered appropriate at this location.

Having reviewed the response to further information the planning authority were not satisfied the development for retention was in accordance with the Mayo County Development Plan and issued a decision to refuse as set under point 3.1 above.

3.2.2. Other Technical Reports

Environment/ Climate Change and Agriculture Section – no further assessment in relation to flood risk was required.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Behybaun Residents Association

- The structure is of a commercial size and not suitable for a residential area.
- The proposal for retention would set an undesirable precedent for other similar developments in the local area.
- The applicant continues to build the property in contravention of planning laws.

4.0 Planning History

Existing Site

PA ref no 23/106 – Retention granted on 29/08/23 for the retention of existing raft foundation, demolition of existing damaged structure construct new dwelling house on existing raft foundation, as plans submitted, and to carry out all ancillary works as required on site.

PA ref no 13/3186 – Permission was granted to Mary Grehan on the 12/03/214 for the construction of a two storey dwelling and erection of a standalone garage.

PA ref no 13/731860 – Extension of duration granted for the construction of dwelling until 15/04/ 2024

5.0 Policy Context

5.1. Mayo County Development Plan 2022-2028

The land use zoning provisions of the existing town and environs development plans for Ballina, Castlebar and Westport shall continue to be implemented on an interim basis until such time as local area plans are adopted for these towns, whilst also having regard to any draft local area plan, and subject to compliance with the provisions of the Mayo County Development Plan, including the Core Strategy population/housing targets.

- The site is zoned Low Density Residential R2 in the current 2009- 2015 Ballina Local Area Plan.
- Under the Draft Ballina Local Area Plan 2024 -2030 the site is zoned Existing Residential.

Development Management Standards

4.14 House Garages / Sheds Urban Housing Garages / Sheds shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger garage / shed compliments the existing dwelling in its design and massing.
- All parts of the development, including eaves or surface water collection systems shall be contained within the boundary of the site.
- Carefully consider site coverage to avoid unacceptable loss of private open space, particularly the rear private open space shall not be reduced to less than 25m²

5.2. Natural Heritage Designations

The River Moy SAC (Site Code 002298) is located approximately 0.6km east of the site.

5.3. EIA Screening

The current application before the Board does not constitute a class of development for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of Mayo County Council to refuse retention permission for the construction of a garage. The following grounds of appeal are raised:

- Objections by various locals to the local authority having regard to the shed/garage that the development for retention was commercial in nature is based on false claims. The proposal is for the storage of personal items and is not a commercial enterprise.
- The reason for refusal does not consider the facts of the location of the development. There are several commercial developments in the vicinity of the site. (These properties are listed). There are several large structures in the vicinity of the site and a number of these premises are listed within 1000m of the subject site.
- There is precedent for similar types of development in the local area. There are several large domestic sheds of equal or greater size than the applicants domestic shed and not all are used for domestic purposes. (No examples provided)
- The garage/ shed is extremely well screened from the public road and the shed is barely visible from the perspective of the public road. The planning authority decision to refuse states that if development was permitted, it would seriously injure the amenities and depreciate the value of property in the vicinity, the applicant contends that this is not the case as the property is not visible from the public road or from neighbouring properties.
- The proposal is good planning and provides for the needs of the applicant. The historical and heritage collection owned by the applicant will be required

to be placed on site around the house if the shed will be refused planning. This will surely have a larger negative impact on values of properties in the area.

6.2. Planning Authority Response

None

6.3. Observations

Behybaun Residents Association

- The structure is of a commercial size and not suitable for a residential area
- The proposal for retention would set an undesirable precedent for other similar developments in the local area

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to the appeal are as follows:

- Nature and Scale of the development for retention
- Impact on Residential amenity/ devaluation of property
- Appropriate Assessment

7.1.2. Nature and Scale of Development for retention

The proposed retention development comprises a 230m² domestic shed standing at a height of 6.4 meters. Positioned to the rear of the residential dwelling, it abuts the southwest boundary of the site. Notably, the shed is not in immediate proximity to any other residential property and is situated off the public road, with adequate screening provided by mature trees and hedging along the front boundary.

A key contention raised in the appeal pertains to the scale of the development, which the applicant argues aligns more with ancillary usage to a domestic dwelling and

would not depreciate property values in the local vicinity. However, the planning authority has expressed reservations regarding the size and magnitude of the proposed structure, fearing that its approval could establish an undesirable precedent for similar constructions in the area.

- 7.1.3. According to Section 4.14 of the Development Management Standards, domestic sheds and garages are typically expected to be smaller in size compared to the existing dwelling, unless there are exceptional circumstances where a larger structure complements the design and massing of the dwelling. Although the shed/garage for retention is smaller than the adjacent dwelling, it is still a considerable floor area whereby I do not consider it to be subordinate to the main dwelling. Furthermore, the structure is of a scale not to be considered complimentary to the design and massing of the development.

The applicant asserts that the purpose behind the construction of a shed of this magnitude is to accommodate the storage of cultural and historical artifacts, including:

- Historical caravans, trailers, and carriages spanning generations of traveller heritage.
- Vintage vehicles such as cars and vans integral to the applicant's way of life.
- A collection of various small and large items significant to traveller heritage.

Furthermore, the applicant emphasizes that these items are aged and require protection from the elements. Without retention permission for the shed, these valuable artifacts would be exposed to the open air under makeshift covering.

- 7.1.4. I have taken note of the concerns raised by the objectors regarding the perceived commercial nature of the development and apprehensions regarding potential commercial activities on the premises. While I acknowledge that the structure is not prominently visible from the public road and is situated away from neighbouring residential properties, I find the size and scale of the proposed development to be more characteristic of a commercial facility rather than associated with a domestic dwelling. The dimensions of the development resemble those of a small warehouse rather than a typical domestic shed, and I am not convinced that the applicant has demonstrated circumstances exceptional enough to justify this size. The applicant

has not provided evidence regarding the current storage arrangements for the existing memorabilia nor has there been any photographic documentation of the collection provided. Additionally, the assertion that there are comparable large sheds in the vicinity has not been substantiated with relevant evidence or examples, and therefore, I find it unsubstantiated. (The evidence provided pertains to existing commercial activity which is not relevant to this application)

- 7.1.5. Regarding the argument that there are commercial enterprises nearby, I fail to see the relevance to this particular appeal, especially considering the applicant's claim that the development is intended solely for domestic purposes. Furthermore, the contention that similar-sized sheds exist among neighbouring domestic properties lacks supporting evidence or precedents provided by the applicant.
- 7.1.6. Having regard to the foregoing, I concur with the planning authority's stance that the approval of this proposal could potentially set an undesirable precedent for similar developments in the future.

7.2. Impact on Residential Amenity/ Devaluation of Property

Mayo County Council's basis for refusal cites the potential for serious harm to the amenities and devaluation of property in the vicinity if the development were to be permitted, deemed contrary to the principles of proper planning and sustainable development in the area. The applicant counters this argument by asserting that the proposed structure, being invisible from the public road and distanced from neighbouring properties, would not adversely affect nearby amenities or property values. Additionally, the applicant has submitted photographic evidence illustrating the screening provided by mature trees and hedging, thus minimizing the visual impact of the structure.

During the site inspection, it was observed that the site is effectively shielded from the public road by dense foliage, mitigating any significant visual impact. Considering the distance of the structure from both the public road and adjacent properties, I find that its impact on residential amenities is limited. Notably, there is an open field separating the structure from the nearest residential dwelling, further minimizing the potential for adverse effects on neighbouring properties' amenities. I therefore do not agree with the planning authority that the proposal as set out will have a significant negative impact on amenity of neighbouring properties.

7.2.1. Having regard to the foregoing I do not agree that structure will lead to the devaluation of property in the local area from the perspective of visual impact or impact on amenity of neighbouring properties. However concerns remain regarding precedent in permitting such development in a suburban location. In the absence of sufficient information to provide an “exceptional circumstance” for this type of development, in permitting this particular development its my opinion a precedent that could be set to allow for other similar developments in the local area. The shed/garage is of a size and scale more suited to a commercial/ agricultural type of activity and not a domestic setting. I therefore recommend planning permission be refused.

7.3. Appropriate Assessment

7.3.1. I have considered the proposal to retain existing shed/garage in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within a suburban location 0.6km east of the nearest European Site, River Moy SAC. The development for retention comprises of a building for the storage of artefacts/ memorabilia.

7.3.2. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- scale and nature of the development]
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

I recommend that planning permission be refused for the following reason:

9.0 Reasons and Considerations

Having regard to the size, scale, and bulk of the domestic garage to be retained and the suburban location, it is considered that the proposal would be contrary to the proper planning and sustainable development of the area and if permitted would set an undesirable precedent for similar types of development in suburban areas. The development is of a design, scale and bulk that is considered out of character with a residential setting and therefore considered inappropriate for a suburban location.

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.

Darragh Ryan
Planning Inspector

23rd April 2024