



An  
Bord  
Pleanála

## Inspector's Report ABP318181-23

### Development

Permission for retention of a timber frame structure as changing room and attic storage from that previously granted under DA802675.

### Location

Jeninstown, Kilcock County Meath.

### Planning Authority

Meath County Council.

### Planning Authority Reg. Ref.

23750.

### Applicants

Dan Balau.

### Type of Application

Retention permission

### Planning Authority Decision

Refusal of permission.

### Type of Appeal

First Party

### Appellant

Dan Balau.

### Observer(s)

None.

### Date of Site Inspection

14<sup>th</sup> December 2023.

### Inspector

Derek Daly.

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the townland of Jenkinstown in a rural area and has frontage onto the R156 which defines the northern boundary of the site. On the site is a single storied dwelling which has gardens to the front and the rear. To the rear of the dwelling in close proximity to the side boundaries are two timber clad structures which are chalet type in appearance and design.

## **2.0 Proposed Development**

- 2.1. The proposal provides for retention of the two timber framed structures located on the site. In relation to structure I as referred to in the documentation the application provides for retaining this timber frame structure as a changing room and attic storage from that previously granted under DA802675. In relation to the second timber structure, it is proposed to retain this structure for the storage of flock fodder with attic storage space. The proposal as submitted to the planning authority also provides for permission to externally clad and render both structures.
- 2.2. The timber structures which have a pitch roof are similar in design and construction with a floor plan and an attic area with an overall floor area of 56.24m<sup>2</sup> in relation to each structure. The structures have internal plumbing and a stairwell for access to the attic area. The overall height to roof ridge level is 4980mm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision of the planning authority was to refuse planning permission and three reasons were stated.

The first reason refers the timber structures being located in a rural area, to the section 9.4 of the current County Development Plan (CDP) relating to rural generated housing need and the applicant has not demonstrated such a need.

The second reason refers to RD POL 9 of the CDP and that timber structures are contrary to this policy.

The third reason refers to a lack of information presented in relation to the safe and adequate treatment of effluent and has not demonstrated that the development would not be prejudicial to public health.

### **3.2. Planning Authority Reports**

- 3.2.1. The planning report refers to the planning history of the site, provisions of the County Development Plan (CDP) in particular chapter 12.
- 3.3. Among the main issues for assessment as identified are the principle of timber structures, rural housing need, design and wastewater treatment. Refusal was recommended.

## **4.0 Planning History**

There are a number of planning applications and enforcement cases in relation to the appeal site.

PA. Ref. No. 221316

Refusal of permission for the retention of two timber frame structures. The planning authority stated two reasons referring to the development being in conflict with objectives DM OBJ 47 (family flat extensions) and DM OBJ 50 (extensions) and refers to undesirable precedent and negative impact on surrounding residential amenities. The second reason refers to absence of information presented in relation to an adequate treatment of effluent.

PA. Ref. No. 221316

This was an incomplete application for permission for the retention of two timber frame structures on the appeal site.

PA. Ref. No. DA900776

Permission granted for an extension to the dwelling on the site.

PA. Ref. No. DA802675

Permission granted for a new portal frame type shed to cover existing tennis court, a new detached single storey changing area.

## **5.0 Policy and Context**

### **5.1. Development Plan**

The relevant statutory development plan is the Meath County Development Plan (CDP) 2021-2027.

Chapter 9 of the CDP refers to Rural Development with an overall goal to encourage the continued sustainable development of rural communities without compromising the physical, environmental, natural and heritage resources of the County. Section 9.4 to rural generated housing need and sets out criteria for consideration of housing in the rural area with specific policies for housing dependent on need and rural type classification. The site is within an area identified as under strong urban influence.

Section 9.6 refers to Rural Residential Development: Design and Siting Considerations and that Meath County Council has prepared design guidelines for rural houses and it is the policy of the Council to implement these guidelines through the development management process which are included in Appendix 13 of the Development Plan and Policy RD POL 9 requires all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

Chapter 11 refers to Development Management

Section 11.5.24 refers to Family Flat Extensions Family flats.DM POL 15 provides for the creation of a custom-built 'family flat' to be occupied by a member of the occupant family with a housing need is generally acceptable subject to site suitability and compliance with DM OBJ 49. DM OBJ 49 which requires all applications for family flat development shall comply with criteria which revolve around the flat forming an integral part of the structure of the main house and the design proposed shall enable the flat to easily fully revert to being part of the original house when no longer occupied by the family member(s).

Section 11.5.25 refers to Extensions in Urban and Rural Areas with the objective DM OBJ 50 that all applications for residential extensions in urban and rural areas shall comply with criteria including high quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc.

Appendix 13 of the plan Meath Rural House Design Guidelines outlines adherence to principles of good design as set out in the guide, such as a relatively simple clear identifiable form, good proportion, scale, siting, orientation, detailing and appropriate use of materials.

## **5.2. Natural Heritage Designations**

Not 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**

The appellant grounds of appeal are in summary;

- Reference is made to the planning history and pre planning discussions and that under DA 802675 permission was granted for a changing room which was not constructed at the time and could structure 1 be retained as a changing room and that the timber framed structure would be externally clad and rendered.
- The appellant has numerous varieties of birds and other species and could structure 2 be retained for the storage of flock fodder and feed with domestic storage in the attic space and that the timber framed structure would be externally clad and rendered.
- The planning report appears to consider this application was for residential purposes and failed to consider this application as it stands.
- It is not for residential use.

### **6.2. Planning Authority Response.**

The planning authority in a response indicate that the issues raised in the grounds of appeal are addressed in the assessment of the application and the development would be contrary to the policies and objectives of the Meath County Development Plan 2021-2027 and set an undesirable precedent.

## **7.0 Assessment**

- 7.1. The main issues in this appeal are largely those raised in the grounds of appeal. 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.
- Reasons for refusal
- Appropriate Assessment

### **7.2. Principle of the development**

- 7.2.1. The site is located within a rural area with no specific zoning and the development to be retained can be considered in relation to individual circumstances of the proposal. In relation to the uses that the applicant wishes to have on the site namely a changing area and also storage of fodder and feed in principle there is no objection to these uses. The primary issue relates to the structures proposed to be retained and whether the structures are appropriate in the context for the uses proposed to be retained in these structures based on the details submitted in the submitted documentation.

### **7.3. Reasons for refusal**

- 7.3.1. The planning authority primary consideration was that the structures are for residential use.
- 7.3.2. It is noted that in the previous application which was refused PA. Ref. No. 221316 there was a refusal of permission for the retention of two timber frame structures and the retention refers to the timber framed structure 1 consisting of a bedroom, bathroom, storage area and to construct a link extension between structure 1 and the main house. Structure 2 was for domestic storage.

- 7.3.3. The current proposal differs from PA. Ref. No. 221316 by not indicating a residential related use and that the changing room and feed/fodder storage would be the uses of the structures.
- 7.3.4. Initially it must be stated that both timber frame structures are purpose designed structures to provide independent living accommodation with a kitchen area, living accommodation, a bathroom and bedroom area and this was confirmed in the site inspection. They were/are not designed with the purpose of being intentionally a changing area or animal storage areas though they could be used for those purposes and the appellant in the grounds of appeal wishes that the Board consider this application as it stands and uses indicated in the current retention application.
- 7.3.5. I would note that the principle of a changing room was established under a grant of permission under DA 802675 which was not proceeded with.
- 7.3.6. I would also note the proposal also provides for rendering the external finish to remove the current timber external finish.
- 7.3.7. While noting the nature of the application as submitted, I would have concerns in relation to retaining structures which were purposely designed to be used as standalone residential units as currently presented and the planning authority also would appear to reflect those concerns.
- 7.3.8. I do however consider that structure 1 could possibly be considered as a changing area given the past planning history but internal alterations would be required to limit its potential use for that purpose and for use as ancillary storage to the main dwelling. The submitted drawings do not however provide any details in relation to a use for a changing area and only the use of the attic area for storage is indicated. As the application is for retention conditioning such requirements would not be appropriate.
- 7.3.9. It is difficult I consider to justify the retention of structure 2 for the purposes indicated and that a purpose built structure for storage for the storage of feed/fodder would be more appropriate.
- 7.3.10. In effect it is also noted both structures as currently presented do not indicate details for the uses indicated as proposed to be retained.

7.3.11. I would also have concerns in relation how foul effluent and surface water are to be discharged and treated in the absence of details in relation to this as both structures have bathrooms and wash facilities.

7.3.12. In relation to altering the external finish to a render finish is acceptable in principle and this would address matters of design as stated in the reasons for refusal.

#### **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, 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. For the reasons already indicated I recommend refusal.

### **9.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development to be retained, the documentation as submitted, the matters raised in the grounds of appeal it is considered that in relation to the structures to be retained, which are purpose designed structures for use as standalone residential units, it is not been clearly demonstrated that they are appropriate for the use which are proposed to be retained and the submitted drawings do not clearly indicate a layout or internal arrangement satisfactory for such retention of use or conversion of use to eliminate or render the structures not to be used as independent residential units.

It has also not been demonstrated based on the documentation submitted that safe and adequate treatment and safe discharge of effluent can be provided which would not be prejudicial to public health. The development 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.

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Derek Daly  
Planning Inspector

28<sup>th</sup> December 2023