



An
Bord
Pleanála

Inspector's Report

ABP-318542-23

Development	Construction of a detached domestic garage and all associated site works.
Location	Gallow, Summerhill, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	23887
Applicant(s)	Robert & Gemma Noone
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant	John Power
Observers	None
Date of Site Inspection	05 July 2024
Inspector	Sinéad O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning.....	4
5.0 Policy Context.....	5
6.0 The Appeal	6
7.0 Assessment.....	8
8.0 AA Screening.....	13
9.0 Recommendation.....	13
10.0 Reasons and Considerations.....	14
11.0 Conditions	14
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The site of 0.41 ha comprises a detached 2-storey rural dwelling and is located in the townland of Gallow, Summerhill, County Meath. The site is circa 5km south of Summerhill and 5.5 km northwest of Kilcock. The area surrounding the subject site comprises rural residential and agricultural development, and the site immediately adjoins a detached dormer bungalow to the northwest. There is currently a yard and domestic shed located at the subject site where the works are proposed.

2.0 Proposed Development

- 2.1. The subject development comprises the construction of a 97 sq.m. single storey detached garage for domestic use ancillary to the existing dwelling. The garage has a pitched roof with a maximum height of 6.615 metres and will be finished to match the existing dwelling. The garage will accommodate a W.C., a fuel storage area and storage at attic level. It is proposed to provide 3 no. roller shutters that are set back under an overhang on the eastern elevation, a window to serve the WC on the western elevation, 3 no. rooflights on the eastern side, and attic level windows at each gable end.

3.0 Planning Authority Decision

3.1. Decision

On the 07 November 2023 Meath County Council issued a notification of their decision to grant planning permission for the development subject to 3 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 06 November 2023 forms the basis of the Planning Authority (PA) decision. I consider that the following matters raised are of relevance.

- The site is in a rural area under strong urban influence.

- The principle of development is acceptable.
- The layout of the proposed development is acceptable.
- A detached garage was previously permitted under Ref. DA120946.
- The development shall be subject to a condition to ensure that the structure remains in non-habitable use, ancillary to the house.

3.2.2. Other Technical Reports

None.

3.2.3. Conditions

Conditions of note in the PA decision are summarised below as follows:

- Condition 2 requires that the garage is not used for human habitation, commercial use, industrial use or any other purpose other than for the incidental enjoyment of the dwelling.
- Condition 3 requires that surface water drainage complies with the Greater Dublin Strategic Drainage Study Regional Drainage Policies Volume 2, for New Developments.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

1 no. observations was made in respect of the application. Issues raised in the observation that are in addition to those outlined in the Appeal Statement are summarised as follows:

- Impacts of construction works on the water supply serving the adjoining dwelling to the north. The existing well is located 3.7 metres from the shared boundary.

4.0 **Planning**

The recent planning history of the site can be summarised as follows:

- PA Ref. DA120946: On 07 March 2013 planning permission was granted subject to 10 no. conditions for the construction of a dwelling, detached domestic garage, wastewater treatment system, and all associated site works. 4 no. items of Further Information were requested on 18 December 2012 in respect of an existing dwelling on the site, the extent of the landholding, and the overcomplicated design of the dwelling. The FI response was submitted 01 February 2013. None of the conditions attached to this permission relate directly to the permitted detached garage.

Relevant planning history in the vicinity of the subject site:

- PA Ref. 961471: On the 10 March 1997 planning permission was granted to John Power subject to 9 no. conditions for the construction of a replacement dormer house, domestic garage, wastewater treatment system and ancillary works on the lands to the immediate north of the subject site.
- PA Ref. 97611: On the 05 August 1997 planning permission was granted to John Power subject to 12 no. conditions for the construction of a dormer house, domestic garage, wastewater treatment system and ancillary works on the lands to the immediate north of the subject site.

5.0 Policy Context

5.1. Development Plan

The Meath County Development Plan 2021-2027, as varied, is the relevant Statutory Plan. Policies and objectives of relevance to the proposal include the following:

- The site is zoned RA-Rural Area- To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage. Residential is listed as a Permitted Use in RA areas, subject to compliance with the Rural Settlement Strategy.
- Map 8.6 'Views & Prospects' does not show any protected views within or adjacent to the subject site.
- As per Map 01: Landscape Character Types of Appendix 5 Landscape Character Assessment, the subject site is located in Landscape Character Area 12. Tara

Skryne Hills. This LCA is formed of 2 no. land parcels and the site is located at the southern boundary of the southern parcel, circa 17 km south of the Hill of Tara.

- Section 5.7 of Appendix 13 Rural Design Guide of the Plan states that detached garages should reflect the form design and finishes on the main house. Garages should not be oversized or poorly positioned to dominate the main house.

5.2. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The site is circa 1 km north of the Royal Canal pNHA (Site Code 002103). The site is 11 km northwest of the Rye Water Vally/Cartron SAC (Site Code 001398) and pNHA (Site Code 001398) and 10.5km southeast of the River Boyne and River Blackwater SAC (Site Code 002299). EPA mapping confirms that the nearest waterbody to the site is the Rye Water, which is circa 450 metres southwest of the subject site. There is no direct hydrological connection to the River Boyne and River Blackwater SAC.

5.3. EIA Screening

See completed Form 1 Appendix 1. The proposed development the construction of a domestic shed ancillary to the existing dwelling at the site. These works do not fall into a class of use under Schedule 5 of the Regulations and, therefore, I do not consider that EIA or Preliminary Examination for EIA is required in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

1 no. Third Party Appeal against the PA decision was lodged on 28 November 2023. The substantive planning issues have been summarised below as follows:

- Proximity of the proposed garage to the shared boundary (1.735 metres) with reference to the garage permitted under PA Ref. DA120946 (4 metres).
- The removal of established trees, hedgerow and embankment at the shared boundary is required to accommodate the proposed development.

- Loss of security and privacy as a result of the removal of vegetation.
- Excessive height and size of the proposed garage.
- Loss of sunlight to adjoining dwelling.
- Impact on existing satellite and associated system.
- Overlooking from the front gable window and from the ground floor W.C.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 21 December 2023, which states that the proposed development is consistent with the policies and objectives of the Meath County Development Plan. The Board is asked to uphold the PA decision to grant planning permission.

6.3. First Party Response

The First Party submitted a response to the appeal on 03 January 2024. The key planning matters raised include the following:

- The concerns raised in the appeal statement are frivolous and are without planning merit.
- The existing site boundary vegetation is primarily on the Appellant's property.
- The location of the proposed development is currently screened by a mature beech hedge.
- The level of the subject site is 1 metre below the level of the road.
- The proposed development accords with the provisions of the Meath County Development Plan 2021-2027.
- The scale of the proposed development is larger than the garage permitted under PA Ref. DA/120946 however, this space is needed by the Applicant to store their vintage car, camper van, garden machinery, sports equipment and household items. The existing dwelling has no attic storage space.
- The proposed separation distance of 1.735 metres is required to maintain existing vegetation and to facilitate the maintenance of the proposed development.

- There is no development standard outlined in the Development Plan regarding minimum separation distances to shared boundaries for domestic garages.
- The Applicant suggests that the proposed garage could be moved a further 1-metre from the shared boundary, if this is considered appropriate by the Board.
- The proposed garage is subsidiary in size to the existing dwelling.
- The existing vegetation and embankment on the Applicant's land is under their control.
- The proposed development will not cause any loss of light to the adjoining property. Morning light to the Appellant's land is currently blocked by existing vegetation.
- The proposed attic level windows do not directly overlook the adjoining property. No increases in overlooking will occur because of the proposed development.
- The First Party refers to similar developments permitted in Co. Meath.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports and response from the PA, the response from the 1st party, and inspected the site, and having regard to relevant local policies, I consider that the main issues in this appeal are as follows:

- Impacts on Residential Amenity
- Height and Massing
- Conditions Attached to PA Decision

7.1. **Impacts on Residential Amenity**

- 7.1.1. The subject site comprises a 2-storey detached dwelling with a front and back garden and yard with a shed and kennel. At the time of the site visit, the yard was used for parking domestic vehicles and storing sporting equipment. To the north, the subject site adjoins a property comprising a detached dormer bungalow with a yard

and sheds at the shared boundary. The boundary between the properties is defined by a wooden fence and established vegetation. I do not consider that this existing vegetation is of significant ecological value. I note that there is a stone/earthen embankment at the subject site located within the boundary vegetation behind the existing yard and shed.

- 7.1.2. The Appellant has raised concerns in respect of residential amenity impacts arising from the proposed development including loss of security, privacy and sunlight, and reduced functionality of their satellite. It is stated that the removal of existing vegetation to facilitate the works will have undue negative impacts on the Appellant's enjoyment of their property.
- 7.1.3. From the documentation submitted and from my site visit, I consider that the proposed development will occur largely within the footprint of the existing yard at the subject site. I note that no works are proposed to remove or alter the existing timber fence at the shared boundary. While existing vegetation at the subject site may need to be trimmed back to facilitate the proposed 1.735 metre separation distance, I do not consider that the works will impact on the mature vegetation at the adjoining property. In this way, I do not consider that the proposed development will have any negative impact on the security of the adjoining property.
- 7.1.4. Submitted Drawing No. 23-015-PL-01 'Site Location Map & Proposed Site Layout Plan' shows that the proposed garage is 14.8 metres from the adjoining dwelling. From Drawing No. 23-015-PL-02 'Proposed Plan, Elevations & Section A-A' I note that there are no attic level windows directly facing the adjoining property to the north. Attic level windows are proposed at each gable end of the structure. Given the height of these windows and the location of the garage relative to the shared boundary, I consider that oblique overlooking of the neighbouring front garden may occur from the window at the 'Front Façade'. It is my opinion that the proposed attic level storage area does not require significant levels of daylight to be functional and that the storage area would be sufficiently sunlit by the proposed rooflights and rear gable window. On balance, I consider it appropriate that the attic level window at the 'Front Façade' is removed to mitigate overlooking of the adjoining property. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is attached to amend the subject development to remove the southwest facing attic level gable window.

- 7.1.5. At ground level there is 1 no. window facing the adjoining property, which is proposed to serve the W.C.. Notwithstanding the screening provided by the existing vegetation and distance to the adjoining property, I consider it appropriate that this window is fitted with permanently obscured glass to protect user's privacy. If the Board is minded to grant planning permission for this development, I recommend that a condition is attached to this effect.
- 7.1.6. The Appellant raised concerns in respect of loss of sunlight due to the height of the proposed garage. Drawing from the proposed height of the garage (6.615 metres) and the distance to the Appellant's property (14.815 metres) I note that overshadowing of the nearest windows at the southeast elevation of the adjoining property may occur, with reference to Section 2.2 'Existing Buildings' of BR 209 2022 'Site layout planning for daylight and sunlight: A guide to good practice'. Given the scale, footprint and orientation of the Appellant's property, I do not consider that potential overshadowing impacts will be significant or will have any significant impact on the overall residential amenities of the property. During the site visit I noted that the existing trees and vegetation at the shared boundary are taller than the adjoining property and the proposed garage. These trees appear to be on the Appellant's property and, therefore, will not be impacted by the proposed development. In this way, I consider that the most significant source of overshadowing of the adjoining property comes from the existing vegetation.
- 7.1.7. In respect of potential impacts on the Appellant's existing satellite, I note that the proposed development will be lower than the existing trees at the shared boundary, as discussed above. In this way, I do not consider that the proposed garage will have a significant negative impact on the functionality of the adjoining satellite.
- 7.1.8. In their response to the Appeal, the First Party suggests that the proposed garage could be moved 1-metre further from the shared boundary to create a separation distance of 2.735 metres. I consider that the proposed 1.735 metre separation distance, as per the documentation submitted to the PA, is sufficient to maintain part of the existing boundary vegetation and to facilitate the construction and maintenance of the proposed development. As is discussed in Sections 7.1.3 to 7.1.7 above, I do not consider that the proposed development as per the documentation submitted to the PA will have any significant impact on the residential

amenities of the adjoining property. In this way, it is my opinion that the suggested changes to the site layout are unnecessary in this instance.

- 7.1.9. Drawing from the above, it is my opinion that the proposed development, subject to recommended conditions, would not have any significant negative impacts on adjoining residential amenities.

7.2. Height and Massing

- 7.2.1. The proposed garage has a maximum height of 6.6 metres and an area of 97 sq.m., as per the submitted documentation. As per PA Ref. DA120946, the existing 2-storey dwelling at the site is 7.068 metres tall and 281.52 sq.m. in extent.
- 7.2.2. The Appeal statement outlines that the height and scale of the proposed garage is excessive for domestic use.
- 7.2.3. The Rural Design Guide that forms Appendix 13 of the Development Plan requires that detached garages reflect the form and finishes of the main house and are positioned and designed so as not to dominate the existing dwelling. Drawing No. 23-015-PL002 'Proposed Plan, Elevations & Section A-A' states that external finishes will match the existing dwelling, which I consider appropriate. Owing to the size of the site and the distance from the dwelling to the garage, it is my opinion that the proposed garage is not disproportionate to the existing dwelling. The proposed garage is both smaller and lower than the existing dwelling, which I consider accords with the provisions of the Rural Design Guide. The garage is located behind an established hedge to the side/rear of the existing dwelling and does not detract from the visual dominance of the house, in my opinion.
- 7.2.4. Drawing from the above, I consider that the proposed garage is appropriately scaled with reference to the existing dwelling.

7.3. Conditions Attached to PA Decision

- 7.3.1. The PA decision to grant planning permission for the proposed development is subject to 3 no. conditions. Condition 1 is a standard condition in respect of the permitted development, Condition 2 relates to the use of the garage and Condition 3 refers to surface water infrastructure.

- 7.3.2. The subject site is located in a rural area under strong urban influence, where rural residential development is controlled with reference to an applicant's rural need as per the rural settlement strategy. On this basis, I do not consider it appropriate for this proposed development to be used for human habitation or for use separately from the existing dwelling at the site. In this way, I agree with the PA's decision to include a condition to limit the use of the proposed garage to use incidental to the enjoyment of the existing dwelling and to prevent the use of the garage as a habitable space. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is attached to this effect.
- 7.3.3. The site layout shown in submitted Drawing No. 23-0150PL-01 'Site Location Map & Proposed Site Layout Plan' does not include details of any surface water infrastructure at the site to serve the proposed development. Drawing No. 23-015-PL-002 'Proposed Plan, Elevations and Section A-A' does not explicitly label any proposed rainwater goods at the proposed development. To prevent excessive surface water run-off from the proposed development, I consider it appropriate that a soakaway, or similar, is provided to effectively discharge surface water from the proposed garage. For clarity, I consider it appropriate that the Applicant agree details of the proposed surface water infrastructure at the site with the PA prior to the commencement of development. This requirement does not form part of Condition 3 of the PA decision, but I consider it appropriate in this instance. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is attached to require written agreement with the PA in respect of surface water infrastructure serving the proposed development.
- 7.3.4. I note that the PA decision does not include any condition in respect of the payment of development contributions. Under Section 7.2 of the Meath County Council Development Contribution Scheme 2024 – 2029, domestic extensions up to 100 sq.m. are exempt from the payment of development contributions. On the basis that this proposed garage of 97 sq.m. is for use ancillary to the established domestic use, I consider that this exemption is applicable to the proposed development. In this way, I do not consider that a condition requiring payment of development contributions is required in this instance.

8.0 AA Screening

- 8.1.1. I have considered the proposed domestic garage in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is located 10.5 km southeast of the River Boyne and River Blackwater SAC (Site Code 002299) and 11 km northwest of the Rye Water Valley/ Carton SAC (Site Code 001398). During the site visit I did not see any waterbodies within or proximate to the subject site.
- 8.1.3. The proposed development comprises the construction of a single storey domestic garage for use ancillary to the existing dwelling at the site. No nature conservation concerns were raised in the planning appeal.
- 8.1.4. 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:
- The scale of the works and the location within a domestic garden.
 - The distance between the site and any European Sites, and the lack of direct hydrological or ecological connections.
 - Taking into account the PA's assessment in the Planning Officers Report dated 06 November 2023.
- 8.1.5. 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.
- 8.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, subject to conditions.

10.0 Reasons and Considerations

Having regard to the form of established site boundaries, existing vegetation at the site and adjoining property, separation of the development to adjoining properties, the scale of the proposed works relative to the existing dwelling, and with reference to the Rural Design Guide of the Meath County Development Plan 2021-2027, I consider that the development sought subject to the conditions listed below, would constitute an acceptable form of development at this location and would not give rise to negative impacts on adjoining residential amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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>The subject development shall be amended as follows:</p> <ul style="list-style-type: none">a) The attic level window at the southeast facing/Front Elevation shown in Drawing No. 23-015-PL-002 'Proposed Plan, Elevations & Section A-A' shall be removed.b) The ground floor window serving the W.C. as shown in Drawing No 23-015-PL-002 'Proposed Plan, Elevations & Section A-A' shall be fitted with permanently obscured glazing. <p>Reason: In the interest of protecting adjoining residential amenity.</p>

3.	<p>The subject development shall only be used for purposes incidental to the enjoyment of the dwelling, and shall not be used for human habitation, commercial use, or industrial use.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, details of the proposed surface water drainage system shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
5.	<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.



Sinead O'Connor
Planning Inspector

12 July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318542-23		
Proposed Development Summary	Construction of a detached domestic garage and all associated site works.		
Development Address	Gallow, Summerhill, 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	No further action required
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		Class.....	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)
No	X	N/A	Class 11 of development relates to a 'dwelling unit'. The provision of a domestic garage ancillary to an existing dwelling
Conclusion			
No EIAR or Preliminary Examination required			

			is not a class or type.	
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?				
No	X		Preliminary Examination required	
Yes			Screening Determination required	

Inspector: Sinead O'Gnnar

Date: 05 July 2024