



An  
Bord  
Pleanála

## Inspector's Report ABP-318596-23

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<b>Development</b>	<i>Work completed to date and completion of same for outbuilding.</i>		
<b>Location</b>	<i>Ballinvally, Arklow, Co. Wicklow</i>		
<b>Planning Authority Ref.</b>	<i>23/722.</i>		
<b>Applicant(s)</b>	<i>Fabian Karra.</i>		
<b>Type of Application</b>	<i>Retention</i>	<b>PA Decision</b>	<i>Refuse</i>
<b>Type of Appeal</b>	<i>First Party</i>	<b>Appellant</b>	<i>Fabian Karra</i>
<b>Observer(s)</b>	<i>None</i>		
<b>Date of Site Inspection</b>	<i>22-02-2024</i>	<b>Inspector</b>	<i>Adam Kearney</i>

## Context

### 1. Site Location/ and Description

The site on which retention permission is sought for a partially constructed outbuilding is located in a small rural cluster known as Ballanisky in the townland of Ballinvally, 3km southwest of Redcross village and 15km southwest of Wicklow Town. The micro area consists of circa 15 dwellings congregated around a series of cross roads, there is a church and burial ground 350m northwest of the cluster. The area can be characterised as scenic elevated agricultural land with a number of 'one-off' houses. The subject site comprises a bungalow with a stone wall and electric iron gates. There is an existing gable fronted outbuilding with double roller doors behind the house and visible from the public road. To the rear (east) of this again but more central on the site due to its size is a partially constructed structure measuring 80m<sup>2</sup> with openings facing north and an east facing door opening. There are also lintols placed in the blockwork without accompanying openings. The construction is cavity block wall.

### 2. Description of development.

Retention and completion of partially constructed outbuilding to the rear of the main dwelling and to the rear of an existing outbuilding.

### 3. Planning History

**P.A. Ref 23/407** Permission Refused for work completed to date and completion of same for outbuilding.

**Note:** This application was largely the same as the current application. It appears there was an unsuccessful attempt to appeal the decision to the board due to validity issues. This likely resulted in the current application which would have afforded another opportunity for a first party appeal.

**P.A. Ref 19/324** Permission Granted for extension to rear (east) of existing garage, this entailed a further expansion to the (17/914) application for a pumphouse/storage area measuring c.26m<sup>2</sup>. This would have brought the garage area up to almost 80m<sup>2</sup>.

**P.A. Ref. 17/914** Permission Granted for extension to domestic Garage.

This entailed extending the original garage (30m<sup>2</sup>) by a further circa 22m<sup>2</sup>.

#### **4. Local Planning Policy**

Wicklow County Development Plan 2022 – 2028

Appendix 2 - Single Rural House Design Guidelines

##### OUTBUILDINGS

The number of detached out-buildings on a rural site shall be kept to the minimum necessary and permission may be refused for excessive additional garages or stores where the need for same cannot be clearly demonstrated. Outbuildings should be located close to the main house and should be positioned to replicate a rural vernacular / farmyard format. Two-storey garages or garages in excess of 40sqm will not normally be permitted.

#### **5. Natural Heritage Designations**

- *Not Relevant*

### **Development, Decision and Grounds of Appeal**

#### **6. PA Decision**

Permission Refused for the following reason.

1. Having regard to:

- (a) The size and scale of the outbuilding.
- (b) The existing large-scale garage on site.
- (c) The design of the structure which is more akin to a residential unit.

It is considered that the additional outbuilding would be over and above the needs of the dwelling on site, would be excessive given the existing large-scale garage,

would not accord with the provisions of the Wicklow rural house design guide and would therefore be out of character with the existing pattern of development in the vicinity. To allow this structure would set an undesirable precedent for similar large-scale development in the absence of a genuine need and would be contrary to the amenities of the area and to proper planning and sustainable development.

## **7. First Party Appeal**

### Agent for Applicant:

- Overall height of finished outbuilding will not exceed the existing garage.
- Size and scale of proposed and existing outbuilding is in keeping with other outbuildings in the area.
- Design is in keeping with proposed use and does not resemble a residential unit.

### Personal letter from applicant

- A gym and recreational workspace required for children.
- daughter was forced to leave dance class due to physical ailment and gym will help to rehabilitate.
- Son has an interest in woodwork and engineering and requires space to work on projects.
- Heavy equipment like bench drills and welding equipment would require space.

## **8. PA Response**

- *No Response on file*

## Environmental Screening

### **9. EIA Screening – Use standard wording with site specific focus**

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. AA Screening - Use standard wording with site specific focus**

Having regard to the modest nature and scale of development 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.

## **3.0 Assessment**

- 3.1. I have visited the site, reviewed the planning file and the appeal documents and consider the main issues to be the reason for refusal and the justification for the structure in the context of the subject property which already contains an outbuilding.
- 3.2. As stated, the dwelling is currently served by an existing outbuilding. As set out in the Planning History of this report there were plans submitted and approved for an extension to the existing garage in 2017, which has been undertaken and the garage now measuring approximately 52m<sup>2</sup>. In 2019 the applicant successfully applied to further extend the garage to incorporate a pumphouse and storage area which would, if implemented would have resulted in an overall circa 80m<sup>2</sup> outbuilding.
- 3.3. However, as indicated by the applicant, due to the discovery of pipes coming from a bored well to a pump house at the rear of the existing outbuilding there was a necessity to move the building away from the existing outbuilding to its current

location where an altogether larger and different detached structure was partially constructed.

- 3.4. The much larger area constructed was justified in the current application for retention by a desire to free up space in the dwelling's bedrooms by moving gym equipment into this new outbuilding and there are other reasons included in the grounds for appeal. In summary the applicant is seeking a dedicated external space for hobbies and recreation for his children.
- 3.5. I do not accept that this is sufficient justification for a new detached 80m<sup>2</sup> outbuilding. The existing outbuilding is large in terms of the average shed or store that would normally serve a detached dwelling. The existing garage stored a car and a ride on lawnmower and other miscellaneous items on the floor. There was no shelf storage evident along the walls. I believe the current building is more than adequate to serve the purpose of an outbuilding for storage.
- 3.6. It is also the case that the Planning Authority permitted another modest extension that was not taken up due to the discovery of pipes feeding the pumphouse as stated by the applicant and which resulted in the development of the partially completed structure.
- 3.7. I am not satisfied with the applicant's justification for the non-permitted works where they point to the discovery of water pipes during excavation as the primary reason that they deviated from the permitted development. I do not accept that the permitted extension could not have been completed by diverting the water supply or incorporating it into the design to facilitate the build. Also, and importantly there remains the option for the applicant to explore another similar sized modest extension to the side of the existing garage by way of a new application that may receive more favourable consideration from the PA.
- 3.8. With respect to the subject application, should the 80m<sup>2</sup> outbuilding be permitted the overall area of outbuilding serving the dwelling would be in excess of 130m<sup>2</sup> across two separate structures. This would result in an area that is multiples of the maximum recommended area as laid down in the CDP and where there is no justification for such a development area.
- 3.9. In terms of the design of the outbuilding I note that there are lintols inserted into the blockwork with no corresponding openings albeit the openings are included in the

application drawings. I would also agree with the Planning Authority where they likened the structure to a residential unit. The size of the structure and the multiple openings along with the cavity wall construction could also allow for residential use of the structure.

## **4.0 Recommendation**

4.1. I recommend that permission for the development be Refused.

## **5.0 Reasons & Considerations**

Having regard to the excessive scale, bulk and floorspace of what would be a second domestic outbuilding proposed to be retained and completed and to the Wicklow County Development Plan 2022-2028, in particular Appendix 2 - Design Guidelines for new homes in Rural Co. Wicklow which seeks to restrict outbuildings greater than 40m<sup>2</sup>, it is considered that the development would seriously injure the visual amenities of this rural countryside area, would be contrary to design guidance provided in the Wicklow County Development Plan and would set an undesirable precedent for similar type developments in the vicinity. The development proposed to be retained and completed 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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*Name: Adam Kearney*

*Planning Inspector*

*Date: 29-02-2024*