



An
Bord
Pleanála

Inspector's Report

ABP-318849-24

Development	Retention of a lean-to side shed
Location	2 Millcross Crescent, Bellanamullia, Athlone, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2360182
Applicant(s)	Aneta & Marek Stasiuk
Type of Application	Retention Permission
Planning Authority Decision	Refused for 1 no. reason
Type of Appeal	First Party
Appellant(s)	Aneta & Marek Stasiuk
Observer(s)	Michael Waldron, 2A Millcross Crescent (adjacent to appeal site)
Date of Site Inspection	7 th April 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site is located within Millcross Crescent which is a suburban development on a cul-de-sac comprising 13 no. houses. The estate is located in the western suburbs of Athlone, north of the M6 motorway and Millcross Crescent is accessed from the R362 which also serves several other estates in the area.
- 1.2. The shed for which retention is sought is located to the north of 2 Millcross Crescent bounding the southern boundary fence of 2A Millcross Crescent (Observer in this appeal case). The shed is a lean-to shed and is physically attached to the gable wall of 2 Millcross Crescent.
- 1.3. During the site visit on 7th April 2024 visit was not possible to access the rear of the property.

2.0 Proposed Development

- 2.1. The development comprises the retention of the existing lean-to shed which is of timber construction. The flat roofed shed occupies the entirety of the space between the gable wall of 2 Millcross Crescent and their property boundary with 2A Millcross Crescent (the Observer in this case). There is a door to both front and rear of the shed which affords access to the rear garden area.
- 2.2. The site area is stated to be 0.033ha and the floor area of the house is 81m² and the GFS of the shed is stated to be 16m². The maximum roof height is 2.65m sloping down to 2.45m in height to the rear. The footprint measures 8m in depth and 1.7m in width to the front and 2.1m in width to the rear. The shed is used for domestic storage use and does not appear to be connected to any infrastructural services (water and sewage).

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was refused on 14th December 2023 for 1 no. reason:

The proposed development, by reason of its siting along the side elevation of the semi-detached dwelling house on site, removes the established private open pedestrian access from the front to the rear curtilage of the dwelling. The close proximity of the shed to the dividing boundary between the subject site and the adjacent property fails to provide sufficient space for proposed remediation works or for on-going maintenance of the structure. The design, finishes and prominence of the structure when viewed from the public domain are unacceptable and are out of character with the established pattern of development in the immediate surroundings of this residential development. The retention of the structure, by reason of its nature and siting, would set an inappropriate precedent for further development of this nature at other similar semi-detached properties in the vicinity. The proposed development would be injurious to the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report notes the following:

- That a garden shed would be acceptable in principle in a residential estate but that the visual impact of the shed, being of timber construction materials and out of sympathy with its visual context, it would be inappropriate to grant retention permission in this case.
- Proposals by the applicant to render and paint the façade of the shed are not considered to be feasible.
- The shed is built right up to the boundary wall with 2A Millcross Crescent and disposal of surface water may be an issue.
- The "infilling" of the gap between the gable wall and the boundary wall impedes pedestrian access to the rear of the house notwithstanding the presence of front and rear doors in the shed and is an undesirable precedent in the area.
- Neither EIA nor AA is required in relation to the retention application.

- The Planner's Report concludes that the shed for which retention permission is sought is out of character with the existing pattern of development in the area and would have an adverse impact on the visual amenity of the area and would create an undesirable precedent for other similar development in the area.

3.2.2. Other Technical Reports

- No internal sections consulted.

3.2.3. Prescribed Bodies

- No prescribed bodies consulted.

3.2.4. Observations

A submission was made by Michael Waldron who is the occupant of 2A Millcross Crescent which abuts the appeal site to the north and who is an Observer to this appeal.

4.0 **Planning History**

4.1. On the Appeal Site

- Ref. UDR 2793: relates to an active enforcement action where a Warning Letter was issued in June 2023 in relation to the unauthorised shed which is the subject of the current appeal.

4.2. In the Vicinity of the Site

- None relevant in close proximity to the appeal site.

5.0 **Policy and Context**

5.1. Development Plan

Roscommon County Development Plan 2022-2028 is the statutory plan for the area within which the appeal site is situated.

Section 12.9 of the Development Plan is of relevance to this appeal as it sets down the Planning Authority position on garden sheds.

12.9 Domestic Garages/Sheds (Urban and Rural)

Extending existing dwelling houses to meet changing family needs is an acceptable form of development which is viewed positively by the Council.

Domestic garages and sheds shall generally be subordinate to the existing dwelling in its size, unless in exceptional cases where a larger garage/shed compliments the existing dwelling in its design and massing. The proposed structure shall not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact. Careful consideration will be given to site coverage to avoid the unacceptable loss of private open space. Proposed external finishes should be appropriate to the domestic setting.

The site is zoned 'Existing Residential' in the Monksland/Bellanamullia LAP 2016-2022 and is cited in the Planner's Report - Chapter 6: Land Use Zoning Figures & Matrix and Chapter 7: Policies and Objectives - but this document was not accessible online.

5.2. Natural Heritage Designations

The following natural heritage designations are located in the vicinity of the appeal site.

- Ballynamona Bog and Corkip Lough SAC 002339 is located approximately 4km to the west of the appeal site.
- Castlesampson Esker SAC 001625 is located approximately 4km to the west of the appeal site.
- Castlesampson Esker pNHA 001625 is located approximately 4km to the west of the appeal site.
- Lough Ree SPA 004064 is located approximately 4km to the east of the appeal site.
- Lough Ree SAC 000440 is located approximately 4km to the east of the appeal site.
- Lough Ree pNHA 000440 is located approximately 4km to the east of the appeal site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. The relevant planning grounds of the First Party appeal are, in summary, as follows:

- Aside from the fact that the external finish of the shed does not conform to that of the existing house to which it is attached, the shed would otherwise be considered exempted development under the provisions of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- It is proposed to amend the external finish of the shed to make it match the external finish of 2 Millcross Crescent to satisfy the requirements for exemption set down in Class 3 of the Regulations.
- Access to the rear garden is still possible as the shed has front and rear doors.
- It is not uncommon to build extensions up to the property boundary.
- The retention of the shed would not set an undesirable precedent as it is up to other house owners to comply with the exempted development provisions if they wish to construct a garden shed.
- The shed is not readily visible from the public road and therefore does not have an adverse impact on the visual amenity of Millcross Crescent.
- The shed, being constructed of timber, is a sustainable development and adaptable to any occupiers of the house.

6.2. Planning Authority Response

- The Planning Authority has not responded to this appeal.

6.3. Observations

An Observation has been received from Michael Waldron who is the occupant of 2A Millcross Crescent which abuts the appeal site to the north. The Observer raises the following relevant planning issues:

- The design and construction of the shed is substandard and no consultation with neighbours took place prior to its construction.
- The shed is visually unacceptable having regard to the design of the existing houses in the area.
- The shed, which occupies the entire space between the gable and property boundary wall and the entire length of the gable, represents a risk as flammable materials may be stored in the shed.
- Due to the roof construction having no guttering, considerable shedding of water into the neighbouring property occurs.
- The granting of retention permission would set a bad precedent for similar types of development in the area.

6.4. Further Responses

- Not applicable.

7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main issues, therefore, are as follows:

- Principle of development.
- Impact on residential amenity.
- Visual impact.
- AA Screening.

7.1. Principle of Development

- 7.1.1. I note the residential zoning of the appeal site and the erection of a shed would be normally considered acceptable in principle in such a zoning. It should be noted that rear garden sheds were visible in other houses in Millcross Crescent during the site inspection but that there is no other instance of a shed constructed to the side of an existing house completely occupying the area between the gable wall and the property boundary within Millcross Crescent estate.
- 7.1.2. In the case of the shed for which retention is sought, the First Party claim that but for the different external finish to the shed compared to the house, the shed would constitute exempted development under Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The First Party states that the external finish of the shed can be rendered and painted to conform with those of the house thereby qualifying as exempted development.
- 7.1.3. This may in fact be the case and the appellant has the option of seeking a section 5 declaration from the Planning Authority on the exempted development status of the shed if it is modified as proposed. However, in the interim I must agree with the planning authority that the shed as it currently exists does not constitute exempted development and requires retention permission.
- 7.1.4. I am of the opinion therefore that the development for which retention is sought is acceptable in principle but not in actuality for the reasons discussed below.

7.2. Impact on Residential Amenity

- 7.2.1. The appellant states that the proposed development will not have any impact on the residential amenity of the adjoining property, 2A Millcross Crescent.
- 7.2.2. There are no rainwater goods attached to the shed and the appellant states that the rainwater falls to the rear of the property due to the incline of the flat roof towards the rear area (20cm difference in height). This may very well be true but the provision of rainwater goods is a minimum requirement to prevent any overflow into the neighbouring property.
- 7.2.3. The Observer claims that the shed will block sunlight to his property and this may be true to a certain extent but daylight (not sunlight) would not be blocked to a degree that would constitute a loss of residential amenity to the Observer.
- 7.2.4. However, the shed being built right up to the property boundary is visually obtrusive and oppressive and does reduce the residential amenity of the neighbouring property to the north of the appeal site and certainly could not be considered a good example or precedent to follow in the erection of a garden shed.
- 7.2.5. I conclude, having regard to the above, that the shed for which retention permission is sought would have an adverse impact on the residential amenity of the area.

7.3. Visual Impact

- 7.3.1. The shed is visually prominent from the public realm as the eye is drawn to the contrast of materials between the finishes of the house and the shed. The visual impact is adverse and is out of place within the architectural context of Millcross Crescent.
- 7.3.2. I concur with the Planning Authority assessment that the retention of the shed would have an adverse impact on the visual amenity of the area and create an undesirable precedent for similar developments in the area.

7.4. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that retention permission for the lean-to storage shed be refused for the reasons and considerations set down below.

9.0 Reasons and Considerations

It is considered that the development, by reason of its design, scale, construction materials and location, the retained shed would seriously injure the visual and residential amenities of the area and would set an undesirable precedent for similar such developments in the area. The proposed 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.

Bernard Dee
Planning Inspector

11th April 2024