



An
Bord
Pleanála

Inspector's Report ABP-318861-24

Development	<i>The retention of existing detached timber single storey structure (28sq.m.) incorporating gym, toilet, and domestic storage shed for the purpose of being incidental to the enjoyment of the existing dwelling</i>		
Location	<i>Old Road, Dunsany, Co. Meath, C15 FP86</i>		
Planning Authority Ref.	<i>2360363</i>		
Applicant(s)	<i>John Watters</i>		
Type of Application	<i>Retention</i>	PA Decision	<i>Grant Retention</i>
Type of Appeal	<i>Third</i>	Appellant	<i>Bob Gallagher</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>08/03/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located along a local road, the L-6224, in the townland of Dunsany, Co. Meath. There is an existing hipped roof cottage on site with flat roofed extension to the rear and sunroom type extension to the south side which is subject to a concurrent planning appeal under ABP318740-23. To the north is a detached timber cabin which is the structure for which is the subject of this retention permission. To the east of this structure there is another detached shed. The use of this shed is domestic storage. There is another building located to the rear of the house which is described on the site layout as

being a pre-63 structure. The use of this shed is domestic storage. The site is enclosed with high boundaries of various forms with a high security gate at the entrance to the site. There is a large dormer dwelling in the site to the south.

2. Description of development. The proposed development comprises of Retention of

- The retention of existing detached timber single storey structure (28sq.m.) incorporating gym, toilet, and domestic storage shed for the purpose of being incidental to the enjoyment of the existing dwelling

3. Planning History.

- Planning Reg. Ref. 2360320 in the name of the same applicant granted permission for the retention of an existing sunroom. This is currently on appeal under ABP 318740-23 and a decision on the same has not been made by the Board as yet
- ABP313987-22 in the name of the same applicant refused by the Board for *retention of detached timber single storey structure (28 sq. m.) incorporating gym, toilet and domestic storage shed for the only purpose of being incidental to the enjoyment of the existing dwelling, demolition of existing Sun Room and Pergola type structure to side of existing dwelling, built without the benefit of Planning Permission, demolition of existing shed and permission for proposed extension to side of existing dwelling.*
- Permission was refused by the Board for the following reason:
 - *The proposed development of the house-extension element by virtue of the architectural style chosen presents as being visually incongruous and unsympathetic to the host house, a vernacular style cottage, sited within a rural area and the Tara Skryne Hills Landscape Character Area, an area which is designated as being of exceptional value and high sensitivity. The proposed development by virtue of its design would also be contrary to Appendix 13 (Rural Design Guide) of the Meath County Development Plan 2021-2027 and accordingly would be contrary to the proper planning and sustainable development of the area.*

- In noting the proposal for demolition and retention of other ancillary structures on the site, while the Board did not have issue with these elements, given that collectively they form an intrinsic part of the overall development that is proposed and proposed to be retained, the Board was not satisfied that the granting of a part of the overall proposal would constitute proper planning for the area and accordingly the Board decided to refuse permission and retention permission for the overall development.

4. National/Regional/Local Planning Policy

- The Meath County Development Plan 2021-2027 is the operative plan for the area.
- Landscape Character Type – Tara Skryne Hills Landscape Character Area which is identified as having exceptional value and high sensitivity to development
- Section 11.5.25 of the Plan deals with Extensions in Urban and Rural Areas which outlines that Objective DM OBJ 50 relates to residential extensions in urban and rural area and requires that they comply with the following criteria:
 - High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc.
 - The quantity and quality of private open space that would remain to serve the house
 - Flat roof extensions, in a contemporary design context, will be considered on their individual merits.
 - Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy.
 - Extensions which break the existing front building line will not normally be acceptable. A porch extension which does not significantly break the front building line will normally be permitted.

- Dormer extensions shall not obscure the main features of the existing roof, i.e., should not break the ridge or eaves lines of the roof.
- Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc. •
- Ability to provide adequate car parking within the curtilage of the dwelling house
- In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.

5. Natural Heritage Designations

- The Rover Boyne and River Blackwater SAC (site Code:002299) and the Rover Boyne and River Blackwater SPA (site Code:004232) are situated 6.5km to the northwest of the site, at the closest point

Development, Decision and Grounds of Appeal

6. PA Decision.

- Retention Permission was granted subject to
- Condition 2: that the shed shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling and
- Condition 3: that the shed shall be used solely as ancillary to the main dwelling. The domestic garage/garden pavilion shall not be let, sold or otherwise transferred or conveyed save as part of the dwelling.

7. Internal Reports

None received

8. Prescribed Bodies

- None received

9. Submissions

- There is one submission on file from Bob Gallagher (received 9th November 2023) whom raises concerns with respect of nuisance caused by smoke from a flue on the applicants property, that a shed marked on the site is not a pre-63 property as marked on the site layout plan, inaccuracies in the application form with respect of planning history, inaccurate measurements on site layout plan and visual amenity issues

7. Third Party Appeal. :

- A third party appeal was lodged by a Bob Gallagher whom resides in the adjacent property to the south.
- The grounds of the appeal relate to:
 - The validity of the appeal having regard to the fact that the retention of this structure was refused previously by the Board
 - That the agent employed to prepare the application implies that he is an architect when he is not and that this is in breach of the Building Control Act Section 18 (1)
 - No reference to Part L of the Building Regulations is referred to in the application
 - That an existing shed which is shown on the site layout plan is not a pre-63 building as stated and is an unauthorised. The appellant has raised issues with respect of noise from this shed to Meath County Council

8. PA Response (received 7th February 2024)

- The Planning Authority is satisfied that all the matters outlined in the appeal were considered in the course of its assessment as detailed in the planning officers report dated 8th December 2023)

9. Observers

- *None received*

10. First Party Response to Appeal (received 9th February 2024)

- That no issues with respect to the retention of this structure have been raised in the appeal.
- That the shed is a pre-63 shed and with respect of the same old photos and testimonies from neighbours are attached.

Environmental Screening

9. EIA Screening

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

Having regard to the modest nature and scale of development, and the 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.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- The Validity of the application/Issues raised in the Appeal
- The Principal of the development
- Planning History
- Residential Amenity Issues
- Visual Amenity Issues

2.2. The validity of the Application/ Issues raised in the Appeal

2.2.1. The appeal raises an number of issues with respect of the validity of the application.

2.2.2. Firstly the appeal questions the validity of the grant of retention by Meath County Council on the basis that it was previously subject to a refusal of permission by An Bord Pleanála under ABP 313987-22. I do not agree with the appellant in this regard, there is no legislation to prevent the applicant applying for retention permission with respect of the proposed development and I am of the opinion therefore that there are no planning or legal issues outstanding with respect of this aspect of the appeal

2.2.3. With respect of his allegation that the agent refers to himself as an architect, I do not consider that this is a planning matter

2.2.4. With respect to the issues he raises with respect to Building Regulations and in particular to Part L of the same, which refers to Conservation of Fuel & Energy, again I do not consider that this is a planning matter.

2.2.5. With respect of the shed which he states is not a pre-63 shed, I note that the shed which he refers to which is located to the rear of the house and which is located within the red line site boundary. With respect of the same, I note from the planners report on file that there is no Unauthorised Development Files open with respect of this shed. I also note in the First Parties response to the appeal that letters from neighbours have been submitted which state that the said shed was constructed pre-63 and as such planning would not have been required. In any rate I consider that this planning status of this shed is immaterial on the basis that it has no bearing on the structure which is the subject of this appeal.

2.3. The Principal of the Development

- 2.3.1. The structure for retention comprises a detached, single storey, timber structure which is located to the side (north) of the existing dwelling. This structure has a stated gross floor area of 28sqm and incorporates a gym, toilet, and an area for domestic storage. The provision of a detached structure for domestic use, ancillary to the established residential use of the site, is I consider acceptable in principle. I note that the retention of this structure was granted by the Planning Authority and that no issues, specific to this structure or its retention have been raised in the grounds of appeal.
- 2.3.2. Objective DM OBJ 50 of the Meath County Development Plan 2021-2027 relates to residential extensions in urban and rural area and requires that they comply with the t criteria as set out under Section 4 above. I consider that the said structure generally complies with these criteria. On this basis I consider that the said structure is acceptable subject to conditions.

2.4. Planning History

- 2.4.1. It is noted that this retention permission was part of an application for which permission was refused by the Board under ABP313987-22. This application also included for a new extension to the main dwellinghouse on site. It is noted that the Board in this regard refused the overall development on the grounds that the proposed extension was visually incongruous and unsympathetic to the host house. It is stated in the Boards order that they had no issue generally with the various retentions and demolitions which formed part of the then proposed development. In this respect, the Board previously did not have any concerns with respect to the proposed structure for retention subject of this appeal.

2.5. Residential Amenities

- 2.5.1. I do not consider that the said structure for retention which is located to the north of the dwelling has any bearing on the appellants property which is located to the south of the existing dwelling on site

2.6. Visual Amenities

- 2.6.1. With respect of visual amenities, I note that the site subject of this appeal is located in an area designated as Landscape Character Type – Tara Skryne Hills Landscape Character Area which is identified as having exceptional value and high sensitivity to development
- 2.6.2. The site is located in a suburbanised rural area where there are houses located directly adjacent to the north and south and also across the road to the east of the site. The site is enclosed by high boundaries and the said structure for retention is not visible from the same. On this basis, I consider that there will be no impact upon the visual amenities of the area.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted permission.

4.0 Reasons & Considerations

- 4.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the policies with respect of residential extensions as set out in the Meath County Development Plan 2021 – 2027, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	The development shall be retained 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
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	<p>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 use of the detached single storey timber structure (to be retained) shall be restricted to that as a gym, toilet, and domestic store (as specified in the lodged documentation) and shall be incidental to the enjoyment of the existing dwelling house as such. It shall not be used for human habitation or for any commercial purpose.</p> <p>Reason: To protect the amenities of property in the vicinity</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</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.

Andrew Hersey
Planning Inspector
21st March 2024