



An
Bord
Pleanála

Inspector's Report

ABP-318885-24

Development

Permission to retain and complete domestic garage/ shed, located to rear of existing dwelling, a Protected Structure RPS Ref No. 0315 and all associated site works.

Location

Drogheda Road, Corduff (Hackett), Lusk, Co. Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0422

Applicant(s)

Peter Finnegan

Type of Application

Permission for Retention & Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Anne Kirwan

Observer(s)

None

Date of Site Inspection

14th May 2024

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.18 ha, is located on the eastern side of R132, within a rural cluster at Corduff, Lusk. The site is accessed via an existing entrance off the R132. On site sits an existing detached thatched cottage, which has been extended to the rear. The existing detached cottage is a Protected Structure (RPS. No. 0315).
- 1.2. To the rear of the dwelling and site, is a garden and parking area, which is at a higher level than that of the front of the site. There are two shed like structures in the rear garden area, one shed has been completed while the other is partly constructed, both relate to the instant appeal.
- 1.3. To the south the site is bound by Corduff National School and a residential dwelling. There is a neighbouring residential dwelling and commercial yard to the north and to the east is agricultural lands.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention and completion of the existing garage/shed structure to the rear of the existing dwelling on site. The overall structure has a stated floor area of 100 sq. m. (c. 48 sq. m. is subject to retention), with an overall height of between 3.2 – 3.8 metres with a mono pitched roof. The structure currently accommodates ancillary storage of a vintage car, campervan, car(s), and garden equipment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission, following further information request, on 13th December 2023, subject to 8 conditions, which included the following:
 - Condition 2 related to the finishes.
 - Condition 3 relates to the use of the structure.

- Condition 4 relates to the reinstatement of the boundary between the subject site and the neighbouring property within a specific timeframe i.e. 3-months.

3.2. Planning Authority Reports

3.2.1. Planning Reports dated 5th September 2023 and 11th December 2023 have been provided.

3.2.2. The original planning report considered it necessary to seek further information on the following items:

- To request the applicant to provide details of the intended uses within the structure and curtilage including if it is intended to facilitate a business therein.
- To provide a rationale and justification for the large roller door proposed within the side elevation of the garage structure.
- If it is not possible to omit the second garage structure which is only partially complete, the applicant is requested to revise the design so that this is of the same height as the existing structure.
- To submit an acceptable drainage proposal which incorporates SUDS and complies with the GDSDS Regional Drainage Policies Volume 2, New Development, Aug. 2005.

3.2.3. The planners report concluded that the development is in accordance with the Fingal County Development Plan 2023 – 2029, subject to 8 no. conditions.

3.2.4. Other Technical Reports:

- Water Services: Report received recommending further information.
- Transportation Planning Section: Report received recommended conditions.
- Heritage and Conservation: Report received recommending further information.
- Inspectorate Division: No report received.

3.3. Prescribed Bodies

3.3.1. The Planning Authority indicated that the following prescribed bodies were consulted.

- Uisce Eireann: Report received recommended conditions.
- Failte Ireland: No report received.
- An Taisce: No report received.
- Heritage Council: No report received.
- Department of Housing, Local Government and Heritage: No report received.

3.4. Third Party Observations

3.4.1. One third party submission was received, the issues raised can be summarised as follows:

- The garage to be retained is for commercial use.
- The development is contrary to the 'RC' land use zoning.
- The development is injurious to the residential amenity of surrounding properties and is contrary to the proper planning and sustainable development of the area.
- The submitted site maps and location address within the planning application are inaccurate.

3.4.2. Following the receipt of the further information a further third party observation was received, the issues raised can be summarised as follows:

- Accuracy of the details submitted.
- Scale and intended use of the garage.
- Potential access between the subject site and neighbouring lands to the north and the create of an opening in the boundary between the two adjoining sites.
- The impact of the development on the residential amenity of surrounding properties, impact on property values.
- The development is contrary to the 'RC' land use zoning.

- Enforcement proceedings pertaining to the site.

4.0 Planning History

F17A/0307: Permission granted by Fingal County Council on 13th February 2018 to demolish domestic extension and garden sheds to rear of existing thatched cottage (listed in Fingal County Council Development Plan 2017-2023 as a Protected Structure RPS NO. 0315) and construct a two storey domestic extension, with waste water treatment plant and percolation area, and all associated site.

5.0 Policy Context

5.1. Fingal Development Plan 2023 – 2029

The subject site is zoned 'RC' Rural Cluster, with a stated objective *"to provide for small scale infill development serving local needs while maintaining the rural nature of the cluster"*.

With a Vision to *"Provide a viable alternative to settlement in the open countryside, and support small-scale infill development by providing the rural community with an opportunity to choose more rural-style housing than is provided within the Rural Villages, and by facilitating the development of small scale and home-based enterprise among members of the rural community"*.

5.1.1. The existing dwelling on site is included in Appendix 5 – Record of Protected Structures in the Development Plan –

- RPS 0313 - Corduff House R132 Road, Corduff, Lusk, Co. Dublin.
- Described as a 18th century house, outbuildings, entrance gates & piers (including early 20th century cast-iron wall-mounted post-box in gate pier).

5.1.2. Relevant Development Plan Policy:

- Objective HCAO24 – Alteration and development of Protected Structure and ACA'S
- SPQHO45 – Domestic Extensions
- SPQHP41 – Residential Extensions

- Section 14.3.2 Screening for Appropriate Assessment.

5.2. Section 28 Ministerial Guidelines

5.2.1. Having considered the nature of the proposal and the documentation on file, I am of the opinion that the directly relevant S28 Ministerial Guidelines and other related guidance are:

- Architectural Heritage Protection Guidelines for Planning Authorities (2004, 2011).
- Development Management Guidelines (2007).
- Sustainable Rural Housing – Guidelines for Planning Authorities (2005).

5.3. Natural Heritage Designations

5.3.1. The subject site is not located within a designated European Site. However, the subject site is located to the north of the Rogerstown Estuary SAC (Site Code: 000208) and the Rogerstown Estuary SPA (Site Code 004015), and southwest of the Skerries Island SPA (Site Code: 004122) designations.

5.4. EIA Screening

5.4.1. I refer the Board to the completed Form 1 in Appendix 1. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been received from RMLA Limited on behalf of Ms. Anne Kirwan. The grounds of appeal are summarised below:

Development Use –

- Reasonable doubt exists regarding the use of the structure for domestic and ancillary use.
- The application site is intrinsically linked to neighbouring commercial premises to the north.
- Development is considered to contravene the rural cluster zoning objective as set out in the Development Plan.

Detrimental impact upon a protected structure -

- The appearance of the structures is not considered sympathetic to an existing protected structure and its setting.
- The applicant has failed to provide the appropriate and necessary information prepared by a heritage/ conservation specialist to allow a full and proper assessment of the development plan upon the protected structure as required by the Development Plan.

Visual impact -

- Views of the development are available from the public road network.
- Development fails to integrate into the rural landscape appropriately.
- Development adds to an established cluster of buildings that are out of character for this rural locality.
- Completion of the development will result in a permanent and detrimental visual impact at this location.

Design scale and appearance -

- The design, scale, and appearance of the structures are wholly inappropriate for this location.
- The proposed design of the garage and shed essentially comprise two different designs and ridge heights which signifies a poor and inconsistent design approach.
- Proposed length, height and floor area are considered excessive for a domestic ancillary structure.

- Development is not an appropriate response to the sites' characteristics and proximity to an important protected structure.

Residential amenity -

- Structures are visible from and located near the appellants property.
- As built development has created an overbearing impact upon the appellant that will only exacerbate such should permission be granted, and the development be completed.
- Frequent movements of vehicles to and from the application site have created increased noise and disturbance for the appellant and reduced enjoyment of their property.
- The detrimental impact of the development upon the appellants existing mindfulness operation should diminish diminishing residential amenity.
- It is respectfully requested that the Board refuse permission for this development in the interests of the proper planning and sustainable development of this rural area.

6.2. Applicant Response

- 6.2.1. A first party response to the appeal was received dated 14th February 2024, prepared by the applicant's agent.
- 6.2.2. The submission responds to the issues raised within the third party appeal as follows: -
- The appellants have erred in a number of points in their appeal document.
 - The appellant and their representatives have in preparing the planning objection failed to address or consider the further information requested by and submitted to the planning authority which clearly addresses all or any reasonable planning considerations.
 - The applicant has clearly demonstrated the need for the domestic garage/shed to fulfill his enjoyment of his family home.

- The development granted by the local authority consists of the construction of domestic garage sheds, which have been proven to be ancillary to the main dwelling, and are essential for the applicant to enjoy his hobbies as part of enjoyment of his home for example the keeping of vintage cars, gardening, camper vaning etc., all of which have been proven to the satisfaction of the local authority.
- The appeal documentation is largely unsubstantiated, frivolous, repetitive and does not have a finding in valid planning grounds.
- There are a number of contradictions in the planning consultants' report, in relation to the insinuation that the applicant is operating/moving non domestic vehicles from the family home, and as such, concludes that there is a commercial business is being operated from the property.
- The Board should consider all points and conclude that the planning authority has made the correct decision when deciding to grant permission to retain and complete the domestic garage shed.

6.3. Planning Authority Response

- 6.3.1. Report received dated 14th February 2024, stating that the Planning Authority is satisfied that the proposal, subject to compliance with conditions pertaining to the decision, would be consistent with the policies and objectives of the Fingal Development Plan 2023 – 2029 and would not result in undue loss of residential or visual amenity to neighbouring properties or to the surrounding area.
- 6.3.2. In the event that the Planning Authority's decision is upheld, the Planning Authority requests that conditions requiring financial contributions in accordance with the Section 48 Development are included.

6.4. Observations

None received.

6.5. Further Responses

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the first party appellant's submission (the subject matter of this appeal), site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. This assessment represents my de novo consideration of all planning issues material to the proposed development.

7.2. As such, the main issues in determining this appeal are as follows:

- I. Principle of Development
- II. Use of structure
- III. Visual and Residential Amenity
- IV. Impact on Protected Structure
- V. Appropriate Assessment, and
- VI. Other Matters.

7.3. Principle of Development

7.3.1. The appellant considers that the development contravenes the 'Rural Cluster' zoning objective as set out in the Development Plan. Having regard to the 'RC' zoning objective, I note that this objective provides for small-scale infill development, including residential development, subject to compliance with the Rural Settlement Strategy. The instant appeal relates to permission to retain and complete a domestic garage/shed, within the curtilage of an existing residential dwelling.

7.3.2. As such, I consider that the principle of a domestic garage, which is ancillary to the existing residential dwelling on site to be in accordance with the zoning objective for the site.

7.4. Use of the Structure

7.4.1. Concerns have been raised in the third party appeal, in relation to the use of the structure, its association with the adjoining site to the north, stated as a commercial premises and the frequent movement of traffic from the site.

- 7.4.2. The agent for the applicant refutes the use of the structure for commercial purposes and references the further information response under Reg. Ref. F23A/0422, where the need for the domestic garage/shed has been justified by the applicant.
- 7.4.3. No commercial activity was evident on the site at time of site inspection. I also note that the existing garage, subject to retention, houses a vintage car, with the structure partly constructed to the rear of the existing garage, subject to completion, accommodating a campervan, car(s), and other gardening equipment.
- 7.4.4. In this regard, I note that the application before the Board is for the retention and completion of the garage for domestic use, only, and as such any other use of the structure would require a further planning application. Therefore, I consider the use of the garage/shed to be ancillary to the main dwelling and, I recommend that a condition be included to any grant of permission in relation to the use of the garage i.e. to be ancillary to the residential dwelling.
- 7.4.5. In relation to the movement of traffic, the site is accessed via an existing entrance onto the R132, to the front of the site, with associated off-street parking to the rear of dwelling. Noting that the application is for a domestic garage that is ancillary to the main residential dwelling, I do not consider that the domestic garage will generate an unacceptable level of traffic movements to/from an existing family home.
- 7.4.6. In relation to the adjoining site to the north, following site inspection, I confirm that there is no access to the adjoining site to the north from the subject site, with the northern site boundary comprising a fence and planting. The adjoining site is also in separate ownership and does not form part of the instant appeal.

7.5. Visual and Residential Amenity

- 7.5.1. It is contented in the appeal that the development has/will have a detrimental impact on the visual and residential amenity of the adjoining site to the south, and the visual impact of the structure as viewed from the public road.
- 7.5.2. The proposed development will have an overall length of 17 sq. m. to an overall height of 3.8 metres, the structure is located to the rear portion of the site, which comprises a long linear plot. The structure is set back from the shared site boundary, with the adjoining site to the south by some 16. metres. I also note that the shared

site boundary to the south, with the adjoining site, is screened with mature planting and the structure is due north of the adjoining site.

7.5.3. While I note that the structure will be partly visible from the adjoining site, given the rationale provided in relation to the use of the garage/shed, to house cars, campervan and associated gardening equipment, which is ancillary to the main dwelling, the location of the structure, the overall configuration and size of the appeal site, I consider that the development would not adversely impact on the visual or residential amenities of the adjoining sites, in particular to the south.

7.5.4. The existing garage/shed, to be retained and completed, is partly visible from the public road (R132) to the west of the site, however the existing dwelling, extension and structures to the adjoining site to the north and northwest screen the building from view along the public road. Notwithstanding, the front of the garage/shed structure is some 78 metres from the roadside boundary and is positioned in the southeast portion of the rear garden. I also note that additional planting is proposed to the garden area to the front of the garage/shed, which will further screen the structure from the public road. In this regard, I do not consider that the garage/shed structure to be retained and completed is visually obtrusive when viewed from the adjoining public road.

7.6. Impact on Protected Structure

7.6.1. Concerns have been raised in relation to the detrimental impact of the proposal on the protected structure and its setting, and that the application does not include necessary information prepared by a heritage/conversation specialist to allow for a full and proper assessment of the development.

7.6.2. While I note that the structure is located within the curtilage of a protected structure (i.e. the thatched cottage to the front of the site), the structure to be retained and completed is positioned in the eastern, rear portion of the site, and is some 50 metres from the rear of the extension to the existing protected structure and is a further 20 metres from the rear of the existing thatched cottage, which is a protected structure, resulting in a separation distance of some 70 metres.

7.6.3. I further note that a substantial extension has been constructed to the rear of the existing protected structure, and while the integrity of the cottage has been

maintained, extensive works have already been carried out to the rear of the protected structure.

In this regard, I do not consider that the garage/shed to be retained and completed impacts negatively on the setting of the existing protected structure.

- 7.6.4. In relation to the requirement for a heritage/conversation specialist report by the appellant, the structure to be retained and completed is located at a significant distance from the existing protected structure, and as such I do not consider that a specialist report would be required in this instance.

Furthermore, the Conservation Officer in their report noted that the size of the structure is larger than most domestic garages/sheds, however they had no objection to its retention and completion, which serves the domestic dwelling.

7.7. Appropriate Assessment

- 7.7.1. The site is not located within or adjacent to a European Site, nor within the catchment of any significant water course. Having regard to the nature, scale, and location of the development to be retained, the absence of hydrological connections to any European site and the separation distance from the site, I consider that there has been/is no likelihood of significant effects on any European Sites during the construction or operation of the proposed development. I further consider that there are no other plans or projects that will act in combination with the proposed project to have a significant effect on European Sites.
- 7.7.2. It is therefore concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites, in view of the Sites qualifying interests and conservation objectives and a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not therefore required.

7.8. Other Matters

7.8.1. Unauthorised development/Enforcement/Miscellaneous Issues

In response to other matters raised in the appeal and applicants' response, and the items raised as part of this appeal concerning the relationship with the adjoining site

to the north, man-made access point, commercial vehicles on the site, and the presence of a new building within the curtilage of the site and the planning status of same, I consider that such works and activity fall outside of the Board's remit in deciding this application and are a matter for the local authority.

I note the concerns raised in the grounds of appeal in respect of the operation of the appellant site for mind and body wellness courses and the increased noise and disturbance which will have a detrimental impact on their business. However, having regard to the assessment and conclusion set out above, I am satisfied that the development is ancillary to the main residence, (the use of the structure has been justified as part of the planning application), as such the development would not seriously injure the amenities of the area to such an extent that would adversely affect the adjoining property in the vicinity.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning which applies to the site under which residential development is stated to be generally acceptable in principle, subject to the conditions set out below the retention and completion of the garage/shed would be an appropriate form of development, which is ancillary to the existing dwelling, would not seriously injure the character or the visual amenities of the area, or the adjoining Protected Structure, and would not seriously injure the amenities of residential property in the vicinity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be retained and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted to the local authority on the 17 th day
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	<p>of November 2023, 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 garage/shed shall be used for purposes incidental to the enjoyment of the dwelling and shall not be used for any commercial/trade/industrial or residential use shall be established therein.</p> <p>Reason: In the interests of orderly development.</p> <p>Reason: To protect the residential amenities of the area.</p>
3.	<p>Details of the materials, colours, and textures of all the external finishes to the garage/shed structure shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.</p>
6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads,</p>

	<p>including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</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.



Emma Nevin
Planning Inspector

27th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318885-24		
Proposed Development Summary	Permission to retain and complete domestic garage/ shed, located to rear of existing dwelling, a Protected Structure RPS Ref No. 0315 and all associated site works.		
Development Address	Drogheda Road, Corduff (Hackett), Lusk, Co. Dublin		
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	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
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)
Conclusion			
No	X		Retention & completion of a garage/shed
Yes			No EIAR or Preliminary Examination required

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