



An
Bord
Pleanála

Inspector's Report ABP-319487-24

Development	Retention of existing partially constructed domestic garage and permission to complete construction of said domestic garage with all associated site works.		
Location	Dromtrasna Collins, Abbeyfeale, Co. Limerick		
Planning Authority Ref.	23166		
Applicant(s)	Therese and Thomas Collins		
Type of Application	Permission	PA Decision	Grant
Type of Appeal	Third Party	Appellant	William Collins
Observer(s)	None		
Date of Site Inspection	09/10/2024	Inspector	Lorraine Dockery

1. Site Location/ and Description. The subject site, which has a stated area of 0.24 hectares is located within the townland of Dromtrasna Collins, Abbeyfeale, Co. Limerick. The site contains a two-storey, detached dwelling, a timber shed/cabin type structure to rear and the subject partially constructed garage, which had concrete slab and steel structure in place at time of my site visit.

2. Proposed Development. Retention of existing partially constructed domestic garage and permission to complete construction of said domestic garage with all associated site works. Stated floor area of 86.4m². Maximum height of 4.742m.

Steel frame construction with unspecified cladding to elevations. Stated use for storage of classic cars and storage area. Associated site works include for retention of existing entrance walls and pillars.

3. PA's Decision- Grant permission, subject to 5 conditions.

FI was requested by the PA in relation to use of existing shed/cabin on site; clarification relating to permission for same and submission of landscaping plan.

Internal Reports

None

Prescribed Bodies

None

4. Planning History.

04/430- PP GRANTED for construction of dwelling

04/3195- PP GRANTED for alterations to house type permitted under 04/430

07/357- PP GRANTED for domestic garage and front entrance porch & retention of dwelling as constructed

5.1. National/Regional/Local Planning Policy

- Limerick County Development Plan 2022-2028 applies

5.2 Natural Heritage Designations

- Lower River Shannon SAC (Site Code: 002165), approximately 2.4 km east of the proposed development.

6. The Appeal

6.1 Third Party Appeal. Grounds:

- Proximity to their permitted dwelling-36m distant and within 1.5m of their site boundary; proximity to existing ESB pole and impacts of proposal on same
- Devaluation of their property; tree planting will be insufficient to screen proposal
- Design alterations recommended
- Concerns regarding use of proposed garage

- Commentary regarding existing cabin in rear garden

6.2 P.A. Response

- None

6.3 Further Responses

A response was received on behalf of the first party, which is summarised as follows:

- ESB pole not affected/interfered with during works; wires travel away from garage
- Substantial distance of 36m separation distance between appellants home and proposed garage; appellants property at higher ground level; landscaping on appellant's property (Condition No. 10 of their grant of PP) and as part of proposed development will screen development substantially; refutes claim that proposal will devalue appellant's property
- Details use of existing log cabin to rear

6.4 Observations

- None

7. EIA Screening:

See completed Form 1 on file. 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.

8. AA Screening:

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Lower River

Shannon SAC (Site Code: 002165), approximately 2.4 km east of the proposed development.

The proposed development is located within a rural area on a site which is residential in nature and comprises the construction of a detached domestic garage on a serviced site.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development on a serviced site, distance from European Sites, together with absence of ecological pathways to any European Site.
- The report of the planning authority

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Assessment

- 9.1 I have read all the documentation attached to this file including the appeal submission, first party response, the reports of the Planning Authority, in addition to having visited the site.
- 9.2 The main issues raised in the appeal submission relate to the impacts of the proposed garage on the amenity of the appellants property, devaluation of their property, together with concerns with regards its use.
- 9.3 I note the grounds of the third-party appeal. I note that the stated floor area of the proposed garage is 86.4m² with a maximum height of 4.742m. The application details that two classic vehicles are to be stored inside the garage. Registration details of same have been provided. I note that the appellant's site is at a higher level than the application site. The proposal would not be unduly visible from the

public realm due to its location- in this regard I also note that the planning authority attached a condition relating to landscaping which would further screen the site. As highlighted by the first party, there is also a Condition 10 attached to the appellant's grant of permission for a dwelling (Ref. 23164) which stipulates planting along the northern and western boundaries of their site, which would further enhance the screening at this location. A separation distance of approximately 36m is proposed between the proposed garage and the appellant's dwelling which is considered significant, given the locational context. Given its overall height and setbacks from appellant's property, together with the level differences and site orientation, I consider that the proposal would not negatively impact on the residential or visual amenity of the area and I am generally satisfied in this regard. I consider that any impacts on the visual or residential amenities of the area are not so great as to warrant a refusal of permission or alteration to the design proposed. Details relating to materials could be adequately dealt with by means of condition. I have no information before me to believe the proposal would lead to the devaluation of the appellant's property.

- 9.4 The appeal submission raises concerns regarding the possible commercial use of the proposed garage. I can only assess the proposal before me which is stated in the documentation (including the public notices) that the proposed garage will be domestic in nature. Its stated use is to store two classic cars belonging to the applicant's, together with storage. This is considered reasonable. The planning authority did not have issue in this regard and attached Condition No. 4 which stated that the garage shall only be used for storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial or habitable purposes. I consider that if the Board is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant, in the interests of clarity.
- 9.5 Concerns are raised in relation to the impacts the proposal may have on an existing ESB pole within the site boundary. I note that the foundations and steel structure of the garage are already in place (proposed for retention) and I have no information before me to believe that the ESB pole was damaged during the course of these works. As noted in the first party response, the wires are travelling away from the site and I note they do not pass over the subject garage. Neither the planning

authority nor the ESB have raised concerns in this regard. I am satisfied in this regard.

9.6 Issues raised in relation to the use/planning history of the timber shed/cabin in rear garden are considered to be outside the remit of this appeal. It is not included for in the public notices or application form of this current application. My recommendation for permission does not include for the timber shed/cabin and I recommend that this be clarified by means of condition.

9.7 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative Development Plans, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

10. Recommendation

10.1 I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED for the subject development.

11. Reasons & Considerations

Having regard to the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

12. Conditions

1.	The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on the 14 th day of February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be
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	<p>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>(i) This grant of permission pertains to the retention and completion of domestic garage and ancillary site development works only. This grant of permission does not include for the timber shed/cabin structure in rear garden area.</p> <p>(ii) The garage shall only be used for storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial or habitable purposes</p> <p>Reason: In the interest of clarity and orderly development</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 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 amenities of property in the vicinity.</p>
4.	<p>Water supply and drainage arrangements including the attenuation and 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 and surface water management.</p>
5.	<p>Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.</p>

	Reason: In the interests of public health
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 during the course of the works.</p> <p>Reason: To protect the amenities of the area</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.

Lorraine Dockery
Senior Planning Inspector
05th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319487-24			
Proposed Development Summary	Retention of existing partially constructed domestic garage and permission to complete construction of said domestic garage with all associated site works			
Development Address	Dromtrasna Collins, Abbeyfeale, Co. Limerick			
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) or 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)	Conclusion
No	x	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

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

Inspector: Lorraine Dockery

Date: 05th November 2024