



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319775-24

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#### Development

The construction of a domestic shed adjoining the rear & side elevations of my existing dwelling, retention permission for an unauthorised mobile home used as domestic dwelling, temporary permission for continued use of the aforementioned mobile home for a period not exceeding 3 years, and all associated site works.

#### Location

*No. 1 The Cloisters, Tullow Road, Carlow.*

#### Planning Authority Ref.

*2460050.*

#### Applicant(s)

*Arnolds Karolis.*

#### Type of Application

*Retention.*

#### PA Decision

*Refuse Retention  
Permission.*

#### Type of Appeal

*First Party*

#### Appellant

*Arnolds Karolis*

#### Observer(s)

*None*

#### Date of Site Inspection

*10-12-2024*

#### Inspector

*Adam Kearney*

## Context

**1. Site Location/ and Description:** The subject property measuring 0.057 Hectares is located in a suburban residential area circa 1.8km east of Carlow Town Centre. The Cloisters is a low-density development of detached dwellings located off the N80 dating back to the late 1990's or early 2000's. No. 1 The Cloisters is a detached bungalow with attic accommodation located at the entrance to the estate and bounded on all sides by a concrete block wall.

### 2. Description of development

The applicant is seeking to retain the construction of a domestic shed/covered area adjoining the rear & side elevations of his existing dwelling and retention permission for an unauthorised mobile home in use as a domestic dwelling with temporary permission sought for 3 years for the latter.

### 3. Planning History

**PL07/5832** - Permission Granted in April 2007 for construction of extension to side of dwelling consisting of self-contained unit comprising of kitchen, living room, 3 bedrooms, bathroom, utility room, car parking area and associated site works.

**Unauthorised Development (UD23/47):** Open File. Warning Letter issued regarding alleged unauthorised mobile home to rear of dwelling and unauthorised roofed structure to side of dwelling.

### 4. National/Regional/Local Planning Policy

Carlow County Development Plan 2022 - 2028 is the relevant plan

The site is subject to the 'Existing / Infill Residential' zoning objective as per the Carlow Town Land Use Zoning Map contained within Chapter 15 of the Carlow County Development Plan 2022-2028.

The objective of which is –

*To protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services. The purpose of this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be*

*considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location*

'Dwelling' is listed as a permitted in principle use as per Table 16.9 of the Carlow County Development Plan 2022-2028.

#### **16.8.13 Extensions to Dwellings**

The design and layout of extensions shall have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy. The following basic principles shall be applied:

(i) The extension should be sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties. Contemporary and innovative designs that would make a positive contribution to the local streetscape will be considered on their merits.

#### **16.8.14 Family Flats**

All applications for family flat development shall comply with the following criteria:

(i) A bona-fide need is demonstrated for the unit by an immediate family member;

(ii) The flat shall form an integral part of the structure of the main house with provision for direct internal access to the remainder of the house.

(iii) The flat shall be modest in size (not exceeding 50m<sup>2</sup>).

(iv) There shall be no permanent subdivision of the garden.

(v) The unit shall not be sold or let as an independent unit and shall remain in the same ownership as the main dwelling on site.

(vi) The design shall ensure that the flat can easily fully revert to being part of the original house when no longer occupied by family member(s).

(vii) If the property is serviced by an individual on-site wastewater treatment system this system must have the capacity to accommodate any additional loading in accordance with the EPA Code of Practice for Wastewater Treatment and

Disposal Systems Serving Single Houses 2021. This may result in the requirement for existing systems to be upgraded to the current standards

## **5. Natural Heritage Designations**

The site is not located within or adjacent to a designated European Site. The nearest European Sites, the River Barrow and River Nore SAC (site code 002162), is located approximately 2km to the west of the appeal site.

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

### **6. PA Decision**

#### Refused Permission for Retention

*Per the Carlow Town Land Use Zoning Map contained within Chapter 15 of the Carlow County Development Plan 2022-2028, the application site is subject to the 'Existing/ Infill Residential' zoning objective which seeks - To protect and improve existing residential amenity, · to provide for appropriate infill residential development; to provide for new and improved ancillary services. The retention of the development on the site would be prejudicial to the protection of the established residential amenities of the area, would constitute substandard piecemeal and disorderly development at this location, would be out of character with the established pattern of development in the area, and therefore, the retention of the development, if permitted by itself and by the precedent it would set, would seriously injure the amenities of the area, and would therefore be contrary to the zoning objective of the application site and to the proper planning and sustainable development of the area*

### **7. First Party Appeal**

- The applicant's son and family are residing in the mobile home
- They cannot locate a suitable rental property in Carlow
- *There have been similar applications made to Carlow County Council*
- *Understands the limitation of the development plan with regard to this form of development*
- *seeking a temporary permission for 3 years*

## **8. PA Response**

Letter dated the 29<sup>th</sup> of May Local Authority stated that it had 'no further comment'

## **Environmental Screening**

### **9. EIA Screening**

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001(as amended), I have concluded at preliminary examination that 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. See Form 1 and Form 2 attached to this report.

### **10. AA Screening**

*Having regard to the modest nature and scale of development, location in an urban area, connection to existing services 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.*

## **2.0 Assessment**

2.1. Having visited the site and 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 of the area
- Visual impact

## **2.2. Principle of Development**

- 2.3. Taking the garden shed component first, the structure involves a covered external area that wraps around the rear (southeast elevation) and part side (southwest elevation) of the dwelling with a translucent corrugated 'lean to' type roof and a height apex slightly above eaves level. The unit/area is used for storage of general household items and some building materials. Albeit not a standalone structure typical of most domestic sheds its construction and function fulfil the criteria for such, and I consider the modest scale, height and layout of the structure to be acceptable in principle.
- 2.4. The mobile home is immediately adjacent to the shed/covered space and occupies an area in the northwest portion of the plot close to the boundary. The mobile home addresses the yard area and shares the same general orientation with the primary dwelling
- 2.5. The mobile home is currently in use by extended family who are unable to source accommodation in the town. In terms of the provisions in the CDP for Family Flats there is no qualification of structure type or material finish that are considered appropriate.
- 2.6. As general observation I note that there is no generally accepted approach for the provision of such 'Ancillary Dwelling Units' in Ireland. These homes, sometimes referred to as Annexes, Family Flats or Granny Flats are included in almost all CDP's. Development Standards commonly refer to their provision and to the parameters applicable to would be applicants. In other jurisdictions outside of Ireland the approach to ancillary housing provision is more established and these dwellings are most commonly referred to as ADU's or Accessory Dwelling Units. Irrespective of the label applied to the structures in this jurisdiction however, there exists no coherent national policy covering the provision of such structures. Many Local Authorities require a physical attachment to the primary dwelling while other Authority's like Clare County Council and Mayo County Council allow for detached structures inter alia with other criteria around design, need, site integrity etc.
- 2.7. Carlow County Council require a physical attachment among other criteria as set out in Section 16.8.14.

- 2.8. The subject structure in this case is traditionally referred to as a mobile home but could equally be referred to as a modular unit as it is not mobile in the real sense of the word except for the fact that it can be moved by crane and flatbed HGV to another location. As there is no specific construction applicable to the provision of a Family Flat, I am open to considering this as a detached Family Flat and deliberating on its retention under this provision.
- 2.9. The structure could also qualify as a stand-alone infill development given the generous side area of serviced lads the structure occupies and taking into account the planning history of the site whereby a larger self-contained unit was previously permitted but not implemented under Planning Ref 07/5832.
- 2.10. In terms of height and area it is a modest structure measuring 29m<sup>2</sup> in area and 3.1m in overall height inclusive of raised plinth.
- 2.11. The design and siting cannot be considered optimum, but if one is to accept the bona fides of the applicant in terms of the justification and the time limited temporary nature of the permission sought and the context understood, whereby extended family of the applicant is being housed where housing supply is seriously constrained, then an element of flexibility can be introduced.
- 2.12. I am satisfied that the principle of the domestic shed as constructed is acceptable, and that the principle of the ancillary home (on a time limited basis) is also acceptable given compliance with the social criteria as stipulated under Section 16.8.14 of the Carlow County Development Plan 2022 – 2028 is adhered to and evidenced.
- 2.13. **Impact on resident Amenity**

The subject property is a detached dormer type dwelling within a low-density scheme of detached dwellings, the property is walled on all sides. There is established dense planting along the southeastern boundary and there is no likelihood of an any impact on the residential amenity of the property to the rear. No. 18 The cloisters (also a dormer type dwelling) immediately southwest, has an angled orientation where the front elevation faces the side boundary wall of No. 1. This elevation is slightly altered with the introduction of the wrap around shed whereby a small portion of the structure is proud of the wall cap.

- 2.14. The 'mobile home' unit is located in the northwest corner of the site, removed from No. 18 and heavily screened from the dwelling to the south. The location is 20m plus offset from any neighbouring dwelling other than the applicants own dwelling.
- 2.15. I am satisfied that the shed and 'mobile home' do not impact on the residential amenity of the neighbouring dwellings or the area in general and It is also noteworthy that there are no submissions or observations on file from neighbouring properties.
- 2.16. **Visual Impact**

The height and scale of both the shed and the mobile home combined is modest and unobtrusive. The development is not obvious to neighbouring dwellings, pedestrians or motorists entering or passing the site due to the height of the perimeter wall and the planted boundary. I am satisfied that the development has no visual impact in the context of its setting.

### **3.0 Recommendation**

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

### **4.0 Reasons & Considerations**

Having regard the zoning objective for the urban area set out in the Carlow County Development Plan 2022 – 2028, the size and serviced nature of the site, where a self-contained residential unit was previously permitted and the temporary nature of the permission sought for the accommodation component, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity or established character or appearance of the area, would not have a visual impact and would therefore be in accordance with the proper planning and sustainable development of the area.



1.	<p>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 and the development shall be carried out/retained in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>This retention permission for the 'mobile home' is for a period of three years only. At the end of this period the use shall cease, and the mobile home removed, unless a further period for its continued use is granted permission.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
3.	<p>The 'mobile home' shall be exclusively for the use of family or extended family only on a temporary basis. It shall not be sub-let or used for short-term letting.</p> <p><b>Reason:</b> In the interest of orderly development</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.

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*Name: Adam Kearney*

*Planning Inspector*

*Date: 17-01-2025*

# Form 1

## EIA Pre-Screening

An Bord Pleanála Case Reference	<b>ABP-319775-24</b>		
Proposed Development Summary	The construction of a domestic shed adjoining the rear & side elevations of my existing dwelling, retention permission for an unauthorised mobile home used as domestic dwelling, temporary permission for continued use of the aforementioned mobile home for a period not exceeding 3 years, and all associated site works.		
Development Address	<i>No1 Cloisters, Tullow Rd., Carlow</i>		
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)?			
Yes	X	Class 10, (b), (i) (threshold is 500 dwelling units)	EIA Mandatory EIAR required
No			Proceed to Q3.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	<b>X</b>	N/A	No EIAR or Preliminary Examination required
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	<b>X</b>	500 dwelling units	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
No	<b>X</b>	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## 1.0 Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	ABP-319775-24
<b>Proposed Development Summary</b>	The construction of a domestic shed adjoining the rear & side elevations of my existing dwelling, retention permission for an unauthorised mobile home used as domestic dwelling, temporary permission for continued use of the aforementioned mobile home for a period not exceeding 3 years, and all associated site works.
<b>Development Address</b>	<i>No. 1 The Cloisters, Tullow Road, Carlow</i>
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development is the retention of a mobile home for a temporary period and a garden shed, it does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.
<b>Location of development</b>	Having regard to the limited nature and scale of development as well as the

(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); there is no real likelihood of significant effects on the environment arising from the proposed construction of a dwelling. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is the potential for a hydrological link between the site and the European sites in close proximity emanating from the proposed wastewater treatment system. This can be dealt with through Appropriate Assessment.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>YES (EIA Not Required)</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)