

An
Coimisiún
Pleanála

Inspector's Report

ABP322427-25

Development	Retention of amendments to previously approved shed.
Location	27 St Patrick's Park, Dunboyne, Co Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2560031
Applicant(s)	Mr Spartak Nikolla
Type of Application	Retention Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Mr Karl Spratt
Observer(s)	Clodagh Farrell.
Date of Site Inspection	8 th July 2025.
Inspector	Una Smyth

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Appendix 1 –EIA Screening

1.0 Site Location and Description.

- 1.1. The rectangular, dog legged site with a given area of .054 Ha is located at 27 St Patrick's Park, a residential street of predominantly 2 storey semi-detached dwellings in the northwest of the town of Dunboyne. Co Meath. The site has a residential use with an existing 2 storey semi-detached dwelling located to the north (road frontage), with the shed to be retained as built, subject to this appeal, is located in the southwest (rear). The surrounding area is predominantly residential in nature albeit the linear site backs onto a wooded area enclosed by palisade fencing located to the rear of the local Garda Station. The site is screened to the east, southeast by a mature hedge and to the west by close boarded wooden fence.

2.0 Proposed Development

- 2.1. Permission is sought for 'retention of amendments to previously approved single storey shed ancillary to the main dwelling under reg. ref. 2360096, comprising new door to the west elevation replacing a previously granted window, 2no. windows to the south elevation, 2no. rooflights on the east elevation, internal stairs serving a new attic floor for storage'.
- 2.2. Permission was previously granted for the shed under application reference 2360096 on 21st September 2023 subject to conditions. Approval of the shed formed part of a wider application which included an extension to the main dwelling house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 15th of April 2025, Meath County Council issued a decision recommending granting of retention permission for the development sought subject to conditions.

3.2. Conditions

- 3.2.1. The conditions imposed included: Condition No. 2: The permission relates exclusively to the development described and indicated on the submitted plans. Condition No. 3 (b) the first-floor window on the rear elevation shall be omitted from the shed/garage and permanently closed to match the adjoining wall and Condition

No 4 (a) The shed shall not be used for human habitation, commercial, industrial use and only used for purposes incidental to the enjoyment of the dwelling. 4 (b) The shed shall not be let, subdivided or sold or transferred from the dwelling.

3.3. Planning Authority Reports

- 3.3.1. Two Planning Reports have been attached to the file. The first report dated 26/02/2025 recommended that further information be sought on 4 key points 1) justification for second door on western elevation, 2) clarification of use, 3) to address issues raised in objections, and 4) an information stating if additional information required signification changes it would necessitate renotification.
- 3.3.2. The second planning report dated 14/04/2025 forms the basis for the decision by the PA to grant permission. In making this recommendation, the planning officer assessed the additional information submitted by the applicant against the relevant policy objectives as well as considering the third -party concerns which arose from advertisement of receipt of further information. The planning officers report included the following comments:
- There is an existing permission in place for the structure under Reference 230096
 - The proposed shed is located in an established residential area and the use of sheds for domestic purposes to rear of an existing dwelling is acceptable.
 - The development is deemed to comply with Meath County Council Development Plan 2021- 2027 and is not expected to negatively impact the visual or residential amenities of the area.

3.4. Other Technical Reports

- None

3.5. Prescribed Bodies

None

3.6. Third Party Observations

A number of objections to the planning application were received by the planning authority with 4 further objections following the receipt of further information

(including the appellant and observer). These objections cited issues which are comparable to those summarised below in the grounds of appeal.

4.0 Planning History

4.1. Site

Planning Application Reference 2360096 -Permission granted on 21st September 2023, subject to conditions for 'The construction of a two-storey extension to the side (c.37.3m.sq), a single storey extension (c.35.1m.sq) to the rear of the existing dwelling. Retention and completion permission is also sought for a single storey shed (c.41.0m.sq) ancillary to the main dwelling also to the rear of the existing dwelling along with all other ancillary site development works'.

(Previous incomplete application submitted for same proposal Reference 2360020 – 21st April 2023).

Planning Application Reference 2560031 – A decision to approve planning

4.2. Surrounding Area:

No relevant planning history.

5.0 Policy Context

5.1. Development Plan

The Meath County Development Plan, 2021-2027, is the statutory plan for the area. The plan sets the local planning policy context including provision of urban development.

Located within Dunboyne/Clonee/Pace Land use Zoning - A1 Existing residential area. A1, existing residential land use zoning objective state as follows: 'To protect and enhance the amenity and character of existing residential communities.

Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties

being protected and the use, scale, character and design of any development respecting the character of the area.

Chapter 11 of the Meath County Development Plan, 2021-2027 sets out the Development Management Standards and Land Use Zonings Objectives.

Section 11.5.25 refers specifically to the development management guidelines and standards for domestic extensions in urban and rural areas.

Planning objective DM OBJ 50 for extensions criteria includes:

- high quality design, including window proportions
- impact on amenities of adjacent residents in terms of light and privacy.

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European Site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 in Appendices of this report). The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2000 and therefore is not subject to EIA requirements as it does not comprise construction works, demolition or intervention in the natural surroundings.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The Third-Party appeal against the planning authority's notification of decision to grant retention permission can be summarised as follows:
- The shed originally approved under planning reference 2360096 has been built and utilized in a manner inconsistent with its approved purpose and results in loss of privacy due to scale and layout.
 - Change of use – initially approved as a shed for incidental use, proposed to be a home office/playroom, but appears designed for human habitation

evident from plumbing, materials and design. Attic floor subdivided into separate rooms with windows indicating use as bedrooms. Blue paint markings indicate planned Kitchen/services.

- Privacy – impact on privacy as front window and double doors overlook patio, sitting room and kitchen. Unauthorised first floor windows overlook the back garden.
- Deviation from approved plans – single door, double window at front and 3 windows on the side changed to double door and window at front, set of double doors and 2 windows on side and additional rear windows and 2 velux windows. The building has additional floor, roof tiled instead of zinc/metal, 2 brick cavity and plumbed for sewage – all inappropriate for a single storey shed.
- Excessive building height – building over 5metre in heigh, exceeding what is typical for garden shed and foundations raised by approximately 1m above garden level so 6 m in heigh overall and alters character of the building making it unsuitable for incidental use shed.

7.2. Applicant Response

- Disagreement with appellants statement that the works deviate significantly from the original approved plans, - claims deviations are significantly exaggerated, with the first-floor window is to be omitted (by condition) further reducing deviations.
- Clarification of the works carried out.
- Minimal difference between garden levels based on photo taken by the enforcement officer - nowhere near the 1.5 feet claimed.
- Sewage inlet is misunderstanding of works carried out – pipes installed for radon outlet.
- Other drainage works are in accordance with condition 5 of permission 23/60096 requiring surface water run-off to be collected and disposed within the site.
- Pipework also to bring water and power to the shed.

- Attic subdivided to facilitate applicants' personal needs.
- No significance to the blue paint on the walls.
- Shed use is for enjoyment of dwelling and not for human habitation.
- Acceptance that unauthorised works carried out, but applicant has done so without the understanding of their implications.
- Appeal challenges the entire structure despite permission granted for this previously. The alterations proposed are very minor in nature and comply with planning guidelines.
- Claims that the works have caused flooding, altered garden levels and compromised privacy are unsubstantiated.
- The submission contains comments with regard to the action and intentions of the first party during the application process.

7.3. Planning Authority Response

Planning Authority request the Commission to uphold its decision in this case which was to grant permission subject to conditions.

7.4. Observations

Support for Third Party appeal letter from Clodagh Farrell - 8 St Patricks Park

- Considers the development amounts to serious breaches of planning law, environmental hazards and impact on amenity, safety and privacy of existing residents. Requests retention permission is revoked, and the structure is demolished or reduced.
- Incongruity with neighbourhood character – the two-storey structure bears no resemblance to a single storey shed. It overpowers homes and gardens, creates an oppressive visual presence and severely diminishes the character of the area.
- Loss of amenity – the building obliterates privacy with windows and roof lights overlooking multiple rear gardens resulting in a loss of amenity. The scale of the building has removed access to natural light, particularly in the evening.

- Surface water flooding incidents – Rainwater pipes detached from the stormwater network or soak pit. Consequently, runoff cascades in the adjacent gardens causing flooding. The flooding events have become more frequent and intense leading to damage to property and undue stress.
- Uncontrolled surface water increases ground water saturation, threatens foundations, poses slip hazards and mould growth risks in in homes. Also a risk to mental and physical wellbeing.
- Unauthorised sewage connections exacerbating overload. –connection to public sewer without proper approvals a strain in local infrastructure.
- Public health concerns – unauthorised connections present a serious public health risk by potential sewer surcharges, foul odours and untreated effluent discharge into local waterways.
- Encroachment and removal of trees. – Mature boundary trees – outside the applicant's ownership were felled removing screening and habitat value. Their removal has reduced privacy, removed windbreakers and increased likelihood of flooding.
- Request the permission is set aside, the structure is demolished or reduced in scale, unauthorised drainage removed, boundary vegetation reinstated, and enforcement costs borne by the developer.
- The submission contains comments with regard to the action and intentions of the first party during the application process.

8.0 **Assessment**

8.1. **Preliminary Comments**

- 8.1.1. Having regard to the planning permission in place, the nature of the works the subject of the planning application, the documentation on the application and appeal file, the relevant policy and having visited the site, I consider that the main issues in this appeal are the impact on residential amenity of neighbouring properties and the principle of the use.

- 8.1.2. The Commission is restricted in their *de novo* assessment of this case to only consider the development sought by the application and it must also to be mindful that the structure subject to this appeal already benefits from planning permission which cannot be revoked by this appeal process. In this regard, some issues raised by the appellant and observer lie outside the remits of my consideration.
- 8.1.3. The principle of development of a shed has been established by the previous permission approved under ref. 2560096.
- 8.1.4. The concerns raised by the appellant and observer in their appeal submissions include:
- Height and scale of the structure is not suitable for this residential area and causing a loss of amenity and impact on residential enjoyment.
 - the laying of pipes for sewage and connection into the sewage system causing overload,
 - the raising of garden levels and improper drainage provision which have caused flooding of neighbouring properties with associated implications.
 - The roof is now finished in slate rather than the approved Zinc/metal finish, and use of block cavity walls
 - Removal of trees
- 8.1.5. The third party have requested the Commission reverse the planning permission for the amendments and enforce compliance with the conditions in the previous approval. With regards the request to enforce compliance with conditions in the previous application ref 2360096, in this situation the role of enforcement is one for the Planning Authority, not the Commission.
- 8.1.6. This appeal merely seeks permission for retention of alterations to a previously approved structure (new and amended window and door openings, a first-floor attic and change from 'shed' to 'home office'). The physical structure subject to many of the third-party concerns already benefits from planning permission. This appeal is not the vehicle to revoke, alter or review any previous planning permission which have been granted. The alleged matters raised by the Third Party which result from a development already approved and no form part of the works applied for in the planning application, namely a) impact from the loss of amenity due to scale and

height, b) drainage/site/tree works, c) changes in levels, associated flooding, and d) materials, fall outside the remit of this appeal and I am therefore not considered. My considerations are restricted to the matters before me, specifically the retention of alterations to the approved structure, the revised use and the acceptability of such changes in terms of planning policy as set out in the Development Plan. Any works which have been done outside the permission, and the implications of such works on residential amenity, are a matter for the Council to determine.

8.2. Impact on residential amenity.

- 8.2.1. I have reviewed the planning history on site and the site zonings in relation to the Meath County Development Plan 2021-2027. The Third-Party references in their submission that the deviations from approved plans have resulted in a development which is now impacting on their privacy. I do not consider that the revised layout of the single window and double doors on the front (north east) elevation or a doorway replacing a window on the north western elevation will intensify impacts on privacy when compared to that of the approved openings. The upper height of window and door openings has not changed and the increased volume of glazed areas is minimal. Had the use of the structure remained as a domestic garden shed, there would be no determinable offence to amenity as a result of the new ground floor window/door arrangement, particularly given the separation distance between the structure and the main dwelling house, and the existing boundary fence on the western boundary.
- 8.2.2. Two additional windows have been included on the rear (southern) elevation. That on the ground floor has no impact on amenity due to its location, vegetation and site boundaries. On the first floor, the top hung window directly overlooks a non-residential wooded area located to the rear of the site. This area which lies behind the local Garda Station is blocked to public access by a paladin fence, therefore I have no amenity concerns regarding this portion of land. However, the location of this window indirectly overlooks the most rear elements of adjacent gardens. The appellant has raised issues with this window and the Planning Authority deemed it necessary for the window to be blocked up. At the time of my site visit this window, (indeed most windows), had been constructed with obscured glazing, with the addition of an obscured film attached to the interior. I was unable to identify any features through the obscured glazing and therefore consider there is no impact on

the amenity of adjacent residents from overlooking subject to retention of the obscured glazing and including a requirement that the window be non-opening. As the purpose of the window is for light into a storage area, this will not impinge on the amenity of the applicant.

8.2.3. I consider the condition by the PA to remove the window completely is excessive and unnecessary as a condition to retain the window with obscured glazing, ensuring the window is non openable, is sufficient to protect amenity.

8.2.4. Two velux roof light windows are included on the southern boundary providing light into the first floor. One window is located over the stairwell while the second is in the northern portion of the attic area. These windows are positioned on the roof slope at approximately waist to head height. Due to their angle on the sloping roof, views from the windows are upwards and out rather than directly downwards and despite this being an objection on the planning application from a neighbour and raised as a concern by the observer. The Planning Authority have not referenced any concerns with these windows, and I would agree that they do not have a detrimental impact on residential amenity and their retention is acceptable.

8.3. **Principle of use**

8.3.1. The approved internal arrangement was to comprise of a single storey open space 'shed' with a stated floor area of 41 sqm. As constructed, the internal configuration has been modified with a staircase providing access to a first-floor storage area with the ground floor now indicated to be used as a home office however, this arrangement is accommodated within the dimensions shown on the approved plans without an increased ridge height.

8.3.2. As noted on the day of inspection, internal finishes were not yet complete. On the ground floor, the concrete floor, block walls, roof rafters and wooden stair frame were visible. The appellant refers to blue paint on the walls annotating a planned kitchen/service area. The applicant states that no significance can be attached to the use of the blue paint and that the intended use is as a home office

8.3.3. On the first floor, wood frames for stud walls were visible, subdividing the storage area. The floor plans do not indicate subdivision. While the appellant refers to this area being subdivided for use as bedrooms, again, at the time of my site visit this

was not the case, and I have no reason to disbelieve the applicants claim that the subdivision is required to facilitate family needs.

- 8.3.4. I stated above that no determinable offence to amenity was caused by the window/door alterations has the use of the structure remained as a domestic garden shed. However, the proposed use of the structure is distinct to that originally approved. I envisage an increase in the duration and frequency of use of the structure as a home office as opposed to its use as a domestic shed which has the potential to impact on amenity. Use as a home office activity cannot be considered as being any different to a home office in the main house therefore, I consider the principle acceptable, but it is necessary to mitigate against the increase usage. At the time of my site visit, ground floor windows were obscured, and I had no views of the private amenity areas of neighbouring properties while inside the structure. I consider a condition for retention of obscured glazing sufficient to in protection amenity.
- 8.3.5. Whilst I note the appellants' concerns regarding the design and layout being conducive to use as a living unit separate from the main dwelling, this is not what is being sought by the applicant and there was no evidence of this on the day of my site inspection. The limitations in the use of the structure can be explicitly spelt out in a condition should the Commission be disposed to a grant of permission.

9.0 AA Screening

- 9.1. I have considered the proposal for retention of amendments to approved shed in light of the requirements of S177U of the Planning and development Act 2000 as amended.
- 9.2. The reason for this conclusion is as follows
- 9.3. ---The site is not located within, adjoining, or neighbouring any designated site
- 9.4. ---the modest nature and limited nature, scale and use of the development sought, being insertion of additional windows and alteration to approved window and door openings,
- 9.5. --- the lack of a hydrological or other pathway between the site and European sites,
- 9.6. --- the screening report of the LPA,

- 9.7. I conclude that the basis of objective information, that the proposed development would not have a likely significant effect on any European Site individually or in combination with other plans or projects.
- 9.8. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located approximately 400m directly north of a minor water course/tributary of the Tolka River.
- 10.2. The proposed development is retention of alterations to a domestic outbuilding comprising of alterations to approved window and door openings, and additional window and doors, inclusion of a first floor and internal staircase.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.
- 10.5. The reason for this conclusion is as follows
- 10.6. ---the modest nature and limited nature, scale and use of the development sought, being insertion of additional windows and alteration to approved window and door openings,
- 10.7. --- the distance from the nearest Water body
- 10.8. --- the nil concern from the LPA,
- 10.9. I conclude that the basis of objective information, that the proposed development would not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that retention permission is granted subject to conditions below.

12.0 Reasons and Considerations

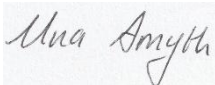
Having regard to the nature and scale of the proposed development and the planning history relating to the site, and subject to the conditions set out below, the amendments to the permitted development on the site the subject of the application and appeal are minor and will not give rise to any greater loss of privacy or impact on residential amenity than the development approved,. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application on 07/01/2025 as amended by further plans and information received on 04/03/ 2025 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 use of the development as a home office and the development shall be completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of the proper planning and development of the area.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Planning Register Number 23/60096 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p>

	<p>(b) The development shall comply fully with the requirements, conditions (and expiry date) set out under the parent permission 23/60096, except where conditions hereunder specify otherwise.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
3.	<p>All glazed panes on the ground floor windows and doors on the north western and north eastern elevations shall be opaque or frosted glass and the application of film to the surface of clear glass is not acceptable. The first-floor gable window shall be permanently closed, and the glazed pane shall be opaque or frosted and shall be permanently maintained prior to the use of the structure as a home office The application of film to the surface of clear glass is not acceptable.</p> <p>Evidence showing compliance with this requirement shall be submitted to and agreed in writing with the planning authority prior to use of the shed as a home office.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to home office and ancillary domestic storage (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: To protect the amenities of property in the vicinity</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.



U Smyth
Planning Inspector

8th August 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ABP322427-25
Proposed Development Summary	Retention of amendments to previously approved shed comprising additional windows and doors and alterations to approved windows and doors.
Development Address	27 St Patrick's Park, Dunboyne, Co Meath
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a	The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and

<p>prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	<p>Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector:

Mua Amyth

Date: 8th August 2025